



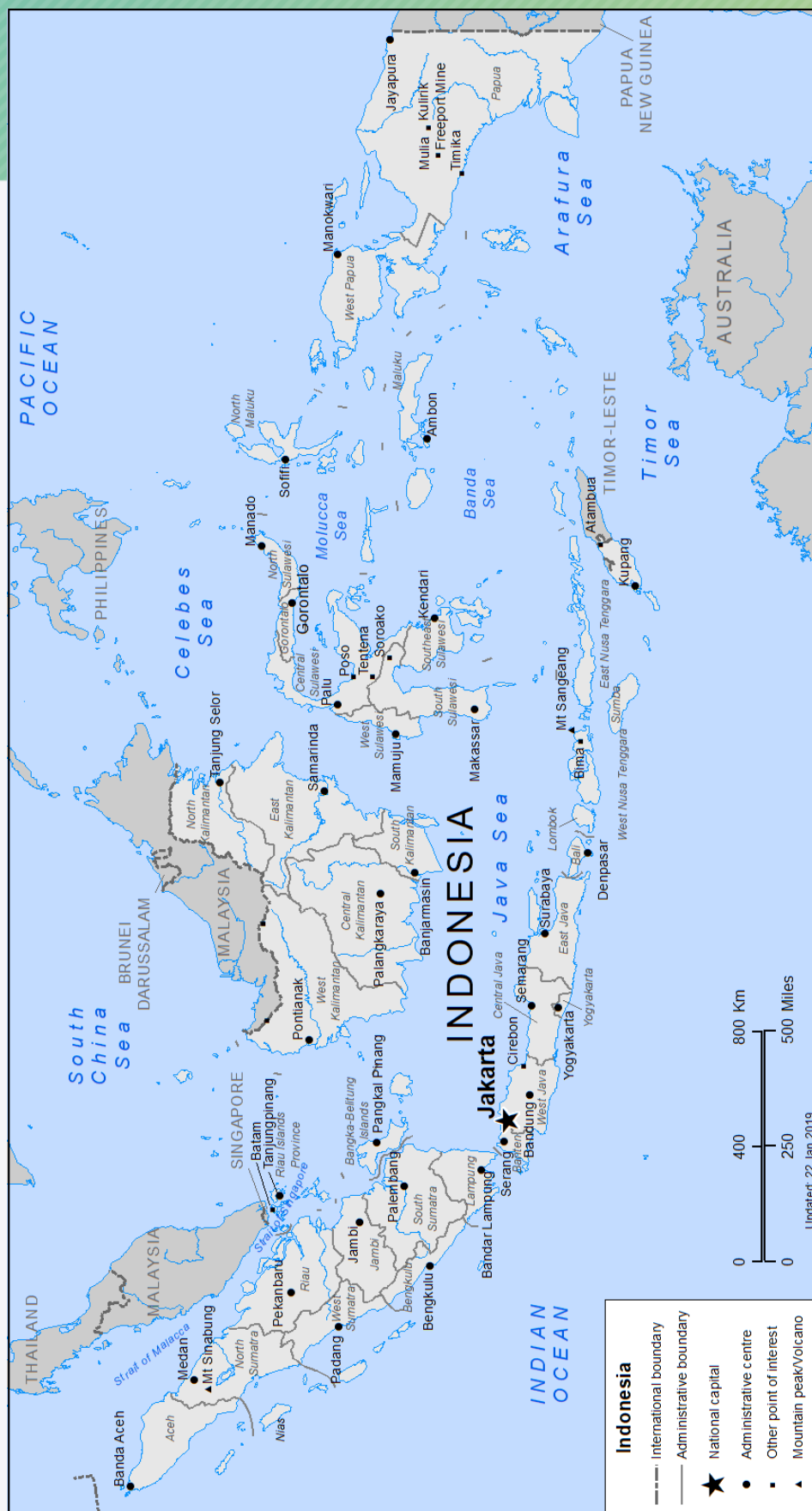
Australian Government

Department of Foreign Affairs and Trade



DFAT COUNTRY INFORMATION REPORT INDONESIA

25 January 2019



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ACRONYMS

| | |
|-----------|---|
| AJI | Alliance of Independent Journalists |
| CSOs | Civil Society Organisations |
| CID | Criminal Investigation Division |
| DPD | Regional Representative Council |
| DPR | People's Representative Council |
| FGM/C | Female Genital Mutilation/Cutting |
| FPI | Islamic Defenders Front |
| INP | Indonesian National Police |
| ISIL | Islamic State of Iraq and the Levant |
| JAD | Jamaah Ansharut Daulah |
| KOMPOLNAS | A semi-independent government advisory body that maintains oversight of the INP and acts as an alternative advisor to the President on policing matters |
| KPK | Corruption Eradication Commission |
| KTP | Resident Identity Card |
| LGBTI | Lesbian, Gay, Bisexual, Transgender, Intersex |
| MoEC | Ministry of Education and Culture |
| MoRA | Ministry of Religious Affairs |
| MPR | People's Consultative Assembly |
| PDI-P | Indonesian Democratic Party of Struggle |
| TNI | Indonesian Armed Forces |
| UKP-PIP | Presidential Working Unit on Guiding the Ideology of <i>Pancasila</i> |

GLOSSARY

| | |
|---------------------|---|
| <i>adat</i> | Literally meaning ‘customary’; traditional customary laws observed in some regions |
| Densus 88 | <i>Detasemen Khusus 88</i> , counter-terrorism force |
| Komnas HAM | National Commission on Human Rights, Indonesia’s national human rights institution |
| Millah Abraham | A spiritual and social movement and religious ideology, which intermixes various teachings of Islam, Christianity and Judaism. Formerly known as ‘Gafatar’. |
| <i>madrasah</i> | Islamic schools |
| <i>Pancasila</i> | Indonesia’s official, foundational ideology |
| Papua provinces | The eastern provinces of Papua and West Papua (see map) |
| <i>pasung</i> | Shackling, the practice of physically restraining and confining people with mental illness |
| <i>sharia</i> | Islamic law |
| <i>transmigrasi</i> | A government-sponsored program to relocate people to less populated areas |
| <i>Waria</i> | A traditional male-to-female transgender identity |

Terms used in this report

high risk DFAT is aware of a strong pattern of incidents

moderate risk DFAT is aware of sufficient incidents to suggest a pattern of behaviour

low risk DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

1. PURPOSE AND SCOPE

1.1 The Department of Foreign Affairs and Trade (DFAT) has prepared this Country Information Report for protection status determination purposes only. It provides DFAT's best judgement and assessment at time of writing and is distinct from Australian government policy with respect to Indonesia.

1.2 The report provides a general, rather than an exhaustive country overview. It has been prepared with regard to the current caseload for decision makers in Australia, without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the Migration Act 1958 states that:
Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report draws on DFAT's on-the-ground knowledge and discussions with a range of sources in Indonesia. It takes into account relevant and credible open source reports, including from the United Nations, the US Department of State, Amnesty International, Human Rights Watch, and local and international media. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT report released on Indonesia published on 22 December 2017.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 The Dutch maintained a colonial presence in the Indonesian archipelago from early in the 17th century until the mid-twentieth century. The present-day territorial boundaries of Indonesia reflect those of the former Netherlands East Indies. Although Indonesia declared its independence in 1945, it took a four-year independence struggle before the Dutch finally recognised Indonesia's independence and withdrew in 1949.

2.2 A period of often unruly parliamentary democracy ended in 1957 when President Soekarno declared martial law and cancelled elections. Tensions grew between the Indonesian military and communist party, fuelled by Cold War tensions. The murder of six senior generals by alleged communist sympathisers in 1965 resulted in a nationwide anti-communist purge that killed many hundreds of thousands of people. The exact number is unknown, but could be as high as one million. General Suharto took control of the military and gradually eased Soekarno from power, removing him completely by 1967.

2.3 Under Suharto's military-based 'New Order' government, political stability returned to Indonesia and the country's economy grew substantially. Indonesia formally incorporated the former Netherlands New Guinea in 1969 and incorporated East Timor in 1975. Popular discontent with the New Order government throughout Indonesia over limited political freedom, human rights abuses, large disparities in income and wealth, and corruption came to a head in 1997 when the Asian financial crisis hit Indonesia. High inflation and unemployment levels, and numerous bank and company collapses caused widespread economic hardship. Looting and rioting occurred in Jakarta, much of which targeted the minority ethnic Chinese Indonesian community (see [Ethnically Chinese Indonesians](#)). A number of serious incidents of communal violence (both ethnic and religious-based) also occurred across the archipelago. Suharto resigned the presidency in May 1998, ending the New Order era.

2.4 In the post-New Order period ('the democratic era'), Indonesian presidents have faced political, security, social, and economic challenges but these challenges have lessened over time. Elections in Indonesia in the democratic era have been mostly free of violence. After a strong pro-independence vote in 1999, a violent backlash by pro-Indonesia militia groups, and international intervention, Timor Leste became an independent nation in 2002. Terrorist attacks in Jakarta, Bali and elsewhere have killed hundreds, and terrorism remains a persistent threat, as in much of the world.

2.5 The democratic era has, overall, been marked by political stability and improvements in the material well-being of most citizens. Indonesia held free and fair general elections in June 1999, and its first direct presidential election in 2004. Indonesia has largely recovered from the economic difficulties of the late 1990s, greatly improved its human rights record, and peacefully ended a long-running separatist conflict in Aceh. Large-scale communal violence has not occurred for many years. Indonesia's current president, Joko Widodo, was inaugurated in October 2014, after campaigning on a platform to fight inequality and to improve the living standards of the poorest. Indonesia's next presidential and general elections are scheduled in 2019.

DEMOGRAPHY

2.6 Indonesia is the world's largest archipelagic state. It comprises around 17,500 islands, of which approximately 6,000 are inhabited. As of July 2018, Indonesia had an estimated population of 262 million people. Just over half of Indonesia's population lives in urban centres. Indonesia's capital and largest city, Jakarta, is home to approximately 10.5 million people. Other major cities include Surabaya (2.5 million), Bandung (2.5 million), Medan (2.3 million), and Tangerang (2.2 million). Indonesia is one of the world's most ethnically diverse countries, hosting more than 300 ethnic groups and more than 700 languages. Major ethnic groups include Javanese (40 per cent), Sundanese (15.5 per cent), Malay (3.7 per cent), and Batak (3.6 per cent).

2.7 According to Indonesia's most recent census (2010), 57.5 per cent of Indonesians live on the island of Java, one of the most densely populated places on earth. Sumatra is the second most densely populated island. Outer islands are less densely populated.

ECONOMIC OVERVIEW

2.8 The Indonesian economy is the largest in Southeast Asia and sixteenth largest globally in nominal GDP terms. Indonesia has experienced sustained economic growth for a number of years. Year on year real GDP growth averaged 5.12 per cent between 2013 and 2018. Services, including transport, communications, tourism, financial and business services, increasingly drive Indonesia's economic growth, accounting for 46.7 per cent of Indonesia's GDP in 2016. Industry and resources sectors, including petroleum and natural gas, textiles, automotive, electrical appliances, apparel and footwear, mining, cement, medical instruments and appliances, handicrafts, and chemical fertilisers, accounted for 39.6 per cent of GDP. Agriculture, including rubber, palm oil, poultry, beef, coffee, fish products, spices, and forest products, accounted for 13.7 per cent.

2.9 The Widodo government's main economic policy priorities are inequality, poverty reduction and regional development. Since President Widodo's election in 2014, the government has launched high-profile initiatives on infrastructure development and social assistance programs related to education and health care. Reforms of long-standing energy subsidies have enabled re-prioritisation of public spending in favour of increased investment in programs that directly affect the poor. Indonesia's trade policy continues to focus on self-sufficiency and reducing dependence on foreign imports, which has led to higher domestic prices for basic commodities and contributed to limiting the impact of other economic reforms. Indonesia continues to face considerable economic challenges. Economic growth is below levels required to meet Indonesia's ambitious poverty reduction goals or to absorb new entrants to the labour market each year.

2.10 Poverty is falling. The poverty rate fell to 9.8 per cent in July 2018, the first time it has been below 10 per cent. The national poverty line represents expenditure of less than the equivalent of USD 2.20 (PPP) per person per day. A further 24 per cent of the population is considered to be vulnerable to falling into poverty, which is measured as a one-in-ten chance of falling below the poverty line in the next year.

2.11 Inequality divides Indonesia geographically: the densely populated western islands of Java and Sumatra are hubs for employment and investment. In comparison, eastern Indonesia has higher rates of poverty, in large part due to lack of connectivity with larger growth centres.

Employment

2.12 The official unemployment rate in 2017 was 6.34 per cent in urban areas and 3.72 per cent in rural areas. A large number of people in formal employment are underemployed or underutilised; official rates

count the employed as those who worked at least one hour in the week of the survey. The informal sector forms a large part of Indonesian industry and employs many people. The term 'informal sector' describes work not covered by formal employment arrangements and protections, and includes: entities that are not registered or do not pay tax; street vendors; and people, especially women, performing home-based work. The size of the sector is difficult to measure. Estimates range between 29 per cent to up to 90 per cent of the economy in some areas of Indonesia.

2.13 Employers are required to contribute towards insurance (BPJS Ketenagakerjaan) but not all employers comply. People working in the informal sector do not receive such benefits. Compulsory contribution funds for old age and disability insurance for all workers were introduced in 2015; previously these were only available to government workers.

2.14 The World Bank estimates that 9 million Indonesians work overseas, mainly in the Middle East and Southeast Asia, especially Malaysia. Most female migrant workers obtain employment as domestic workers, while male workers work in a variety of sectors including agriculture, construction, and maritime-related industries. Approximately half of all migrant workers are undocumented and 61 per cent of female domestic workers in Malaysia are undocumented. The remittances sent back by migrant workers make an important contribution to Indonesia's economy: in 2016, remittances from migrant workers totalled USD 8.9 billion.

Corruption

2.15 Indonesia is a State Party to the UN Convention Against Corruption, and is a member of the Asian Development Bank and Organisation for Economic Cooperation and Development's (OECD) joint Anti-Corruption Initiative for the Asia Pacific and the Asia Pacific Group on Money Laundering. The primary anti-corruption statute is the *Law on the Eradication of Crimes of Corruption* (1999), as amended by the *Anti-Corruption Law* (2001). Under the Anti-Corruption Law, courts may impose penalties including fines ranging from IDR 50 million to IDR 1 billion (approximately AUD 5000 to AUD 100,000), imprisonment for up to 20 years or, in extreme cases, life imprisonment or the death penalty. Other relevant laws include the *Law on State Administrators Who Are Free From Corruption, Collusion and Nepotism* (1999); the *Law on the Corruption Eradication Commission* (2002); and the *Law on the Prevention and Eradication of Money Laundering* (2010).

2.16 Notwithstanding strong laws against corruption, international commentators have observed weak enforcement of anti-corruption legislation, ineffective regulatory mechanisms and conflicting legislation, a culture of nepotism and favouritism, and bribery in the public service, judiciary, police and politics. Petty corruption is common in areas such as policing and education, particularly higher education. President Widodo campaigned for his presidency on an anti-corruption platform, however to date, he has not implemented major corruption reform.

2.17 The main anti-corruption authority is the Corruption Eradication Commission (KPK). The KPK coordinates with other authorised agencies in the eradication of corruption, conducts investigations and prosecutes crimes of corruption, can act to prevent corruption, and monitors government expenditure. The KPK enjoys strong public support: 86 per cent of Indonesians surveyed in May 2017 had faith in the organisation. It has successfully prosecuted a number of high-profile figures, including cabinet ministers and parliamentarians. The police and public prosecutors may also investigate crimes of corruption. The Ombudsman actively supervises the public service and investigates alleged maladministration by public officials or legal entities funded by the state.

2.18 The KPK's anti-corruption efforts have attracted resistance from some quarters, including intimidation and attempts to weaken its authority. In April 2017, an acid attack left a senior KPK investigator

with facial burns and eye damage. The attacker had not yet been identified at the time of writing. The same investigator had previously been the subject of an attempted hit and run incident.

2.19 In April 2017, Indonesia's parliament established a special committee to carry out a parliamentary inquiry into the effectiveness of the KPK, including the organisation's investigation of an electronic identity card scandal, a case that has implicated several politicians, including the parliamentary speaker who was imprisoned. Critics of the committee argued, among other things, that parliament was not legally authorised to examine the activities of an independent agency such as the KPK, and that the special committee did not comply with the requirement for representation from all political parties in parliament. The special committee is yet to make its final recommendations. The Widodo administration has so far protected the KPK and it remains a functional and trusted institution.

2.20 Indonesia ranked 96th out of 180 countries in Transparency International's 2017 Corruption Perspectives Index, slightly further down the list from 90th in 2016. Local sources say the increasing numbers of convictions may have led to the perception that corruption is worsening, when it was in fact being addressed.

Health

2.21 Article 28H of the Constitution guarantees citizens the right to obtain medical care, while Article 34 obliges the state to provide medical and public service facilities. Responsibility for health service delivery in Indonesia has been devolved to the district level since the early 2000s and health services vary in quality and availability between districts.

2.22 In January 2014, Indonesia began the implementation of a National Health Insurance Scheme (JKN), aimed at providing universal health coverage by 2019. The scheme experienced considerable cost over-runs in its early stages. In spite of implementation problems, health care coverage for the poor expanded rapidly and analysts expect it to reach universality, on target, in 2019.

2.23 People living in the poorer eastern provinces and urban slums are covered by the universal health system, but health facilities in these areas have lower capacity to treat people with chronic diseases, who may have to travel to larger cities to gain access to health services. Patients must contribute a small co-payment for health services.

2.24 Indonesia has made a major commitment to universal health coverage by strengthening its health insurance system with special attention to the poor. At the same time, non-communicable diseases, such as cardiovascular disease, have increased significantly. Non-communicable diseases were the cause of 71 per cent of deaths in 2012. This will have a major economic impact on the health system. Maternal and neonatal mortality is high compared with comparable neighbouring countries. Tuberculosis remains the second highest cause of premature deaths and HIV prevalence is continuing to rise.

2.25 See also [People living with HIV](#) and [Mental Health](#).

Education

2.26 Article 31 of the Constitution guarantees citizens the right and obligation to undertake basic education, and commits the government to funding, managing and organising education. The school system is split between general schools administered by the Ministry of Education and Culture (MoEC) and *madrasah* (Islamic day schools), administered by the Ministry of Religious Affairs (MoRA). Both systems offer education from pre-school to year 12 and teach the national curriculum, as regulated by MoEC.

Responsibility for education is devolved to districts and quality varies. Education services in more populated islands tend to be better quality.

2.27 *Madrasah* often cater to those who lack access to other schooling options, including those in rural areas, poorer families, girls, and students with disabilities. *Madrasah* comprise around 20 per cent of primary and secondary schools in Indonesia, serving around 13 per cent of the school age population. Around 90 per cent of *madrasah* are private, run by religious foundations with little government assistance. MoRA's authority over private *madrasah* is limited to enforcing national education standards and criteria associated with government funding. Private *madrasah* generally produce poorer education outcomes compared with general schools or public *madrasah*, largely due to under-resourcing and capacity constraints.

2.28 Administration of tertiary education is split between MoRA, the Ministry of Research, Technology and Higher Education, and a large number of unregulated private providers. The government announced in early 2018 that it would allow foreign higher education institutes, including Australian universities, to operate campuses in Indonesia.

2.29 The UN Development Programme (UNDP) reported in 2018 that Indonesians attended an average of 8 years of schooling. Despite major improvements to schooling access, education quality remains a key challenge. According to internationally recognised tests, 55 per cent of Indonesian students who finish their education are functionally illiterate.

POLITICAL SYSTEM

2.30 The 1945 Constitution established the Republic of Indonesia as a unitary state. The first democratic elections since the 1950s occurred in 1999. Since 2004, the people have directly elected the president for a five-year term. The president occupies the positions of both head of state and head of government. An elected vice-president and an appointed cabinet, whose members are not required to be members of parliament, assist the president. Since 1999, the president has been limited to two five-year terms.

2.31 Indonesia has a bicameral parliament, the People's Consultative Assembly (MPR), which comprises the People's Representative Council (DPR) and the Regional Representative's Council (DPD). The DPD is the upper house with an advisory rather than legislative role. The DPR consists of 560 members (which will increase to 575 in 2019 elections) directly elected through a province-based proportional system that allows voters to cast ballots for individuals as well as parties. Each of Indonesia's 34 provinces and administrative regions elects four members to the DPD on a non-partisan basis, making up its 132 members (which will increase to 136 in 2019 elections). All MPR members serve five-year terms and are eligible for re-election.

2.32 Indonesia most recently held parliamentary elections in April 2014. The Indonesian Democratic Party of Struggle, (*Partai Demokrasi Indonesia Perjuangan* (PDI-P)), the party of former President Megawati Soekarnoputri, and a key supporter of President Joko Widodo's election bids, gained the highest vote at 19 per cent. Golkar, the party in power during the New Order period, gained 14.8 per cent of the vote. Gerindra, party of rival presidential candidate in 2014 and 2019, Prabowo Subianto, came third with 11.8 per cent of the vote. Indonesia's next national presidential and legislative elections are scheduled for April 2019.

2.33 The Constitution gives the president the power to issue a government regulation in an 'emergency', or where there is an urgent gap in the law. Regulations that the DPR accepts become law, while those it rejects have no legal standing. Regulations that become laws may be challenged in the Constitutional Court.

2.34 Indonesia has 34 provinces, eight of which were created after 1999. A governor, elected for a term of five years, heads each province and each province has an elected representative assembly. Five provinces have special status: Aceh, including for use of *sharia* (Islamic law) ([See Sharia in Aceh](#)); the Special Region of

Yogyakarta, as a sovereign monarchy within Indonesia; Papua and West Papua, for implementation of special development programmes; and the Special Capital Region of Jakarta. Indonesia's provinces are further divided into regencies (*kabupaten*) or cities (*kota*) and smaller administrative units, which include an elected represented assembly (DPRD) and a directly elected executive post in the form of a regent (*bupati*) or mayor (*walikota*).

Pancasila

2.35 *Pancasila* is the official, foundational ideology of the Republic of Indonesia. It comprises the following five principles: belief in one God; just and civilised humanity; national unity; democracy under the wise guidance of representative consultations; and social justice for all Indonesians. *Pancasila* occupies a special place in the national consciousness, and Indonesians learn its principles from an early age. During the Suharto New Order period, the state frequently used *Pancasila* to suppress opposition, threatening to prosecute organisations and individuals for anti-*Pancasila* activities with serious penalties, including prison sentences.

2.36 The emphasis on *Pancasila* lessened in the post-New Order '*reformasi*' period but has recently re-emerged in national political discourse. President Widodo has taken steps to re-elevate its importance as a means to confront challenges such as radicalism and the management of hard-line groups, some of whom consider the principles to be syncretic and anti-Islamic. These steps include re-establishing *Pancasila* Day on 1 June as a national holiday, focusing on *Pancasila* in public messaging and forming a new agency, the Presidential Working Unit on Guiding the Ideology of *Pancasila*, which includes senior political, military and judicial figures, and representatives of the Muslim, Christian, Buddhist and Hindu communities.

HUMAN RIGHTS FRAMEWORK

2.37 Indonesia's Constitution enshrines many fundamental human rights, including the right to life; freedom from torture; freedom of religion; freedom from enslavement; recognition as a person before the law; freedom of expression; freedom of association and freedom from discrimination. A comprehensive domestic human rights statute is outlined in the 1999 Human Rights Law. The 2000 Human Rights Courts Law established courts at the city and district level to prosecute gross violations of human rights (including genocide and crimes against humanity). Other laws protecting human rights of various groups include the Child Protection Law (2002), Domestic Violence Law (2004), Discrimination Law (2008) and the Law of Persons with Disability (2016).

2.38 Indonesia is a state party to the following international human rights instruments, by order of ratification: Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child; the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of Persons with Disabilities; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Indonesia has signed, but not ratified, the Convention for the Protection of All Persons from Enforced Disappearance.

National Human Rights Institutions

2.39 Indonesia's national human rights institution is the Indonesian National Commission on Human Rights (Komnas HAM), established by presidential decree in 1993 and formalised by parliament in 1999.

Komnas HAM monitors and researches human rights, conducts education campaigns and can mediate between parties. It has powers to conduct preliminary inquiries into human rights complaints, including the power to compel relevant parties to present evidence. Once there is sufficient evidence for criminal investigation the case is referred to investigators appointed by the prosecutor - general. In practice, witnesses and perpetrators often ignore summonses, district courts refuse to compel attendance and investigators reject cases as having insufficient evidence to prosecute. Komnas HAM currently has seven commissioners, appointed by the parliament for a five year term in October 2017. In March 2017, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights affirmed its previous accreditation of Komnas HAM as an institution fully compliant with the Paris Principles.

2.40 The National Commission on Violence Against Women (Komnas Perempuan) was established by presidential decree in 1998 and its objectives are to eliminate all forms of violence against women and to enforce women's rights. It conducts study and research, disseminates information, monitors women's rights, advises executive, legislative and judicial institutions and develops international cooperation. The Indonesian Child Protection Commission (KPAI) was established by the 2002 Child Protection Law to improve the effectiveness of child protection.

SECURITY SITUATION

2.41 Terrorism is a threat in Indonesia, as in much of the world. A Catholic church was attacked in February 2018 and a series of incidents occurred in May 2018, including church bombings and suicide and sword attacks in Surabaya and Pekanbaru. ISIL, or groups linked to ISIL such as Jamaah Ansharut Daulah (JAD) have claimed responsibility for, or inspired, a number of recent attacks and, as with many other countries, Indonesia is concerned at the risk posed by fighters returning from conflicts in the Middle East and the Philippines. Many returning fighters had no combat experience while overseas and others have come back disillusioned by their experiences. This does not necessarily mean that they have been deradicalised or no longer pose a threat.

2.42 Recent terrorist attacks have focussed on state institutions as their primary target, in particular police. Churches have also been attacked (see [Christians](#)). Attacks against western interests occur but are currently less frequent, for example, the January 2016 attack at a Starbucks café in Jakarta, the bombings of the JW Marriot and Ritz Carlton hotels and the Australian embassy in 2004 and 2009 and the Bali bombing of 2002.

2.43 Indonesia's elite anti-terrorism force, *Detasemen Khusus 88*, commonly known as 'Densus 88' or 'Detachment 88' is effective in investigating and disrupting terrorist attacks. Densus 88 has detected and prevented many JAD inspired or organised attacks. Smaller operations and lone wolf attacks are harder to detect.

2.44 Active armed insurgencies against the central government, for example in Aceh, have largely ceased. Small-scale violent secessionist activities continue in the Papua provinces (see [Secessionists in the Papua Provinces](#)). Indonesian authorities continue to conduct security operations against the remnants of the Santoso terrorist networks in Central Sulawesi province after Indonesian police killed its eponymous ISIL-linked leader in July 2016.

Communal Violence

2.45 As noted in [Security Situation](#), the period immediately leading up to and following the fall of the Suharto New Order regime saw instances of large-scale violence between ethnic and religious communities in various locations in Indonesia. Severe violence occurred in Ambon city and Maluku province from 1999 to 2002, when clashes between Muslim and Christian communities caused many thousands of fatalities and internally displaced hundreds of thousands of people. In the late 1990s, major violence in West Kalimantan province between the indigenous (and largely Christian or animist) Dayak community and (Muslim) Madurese transmigrants resulted in at least 500 fatalities and the internal displacement of up to 75,000 people. Most of the displaced have since returned to their homes.

2.46 Analysts contend that local power struggles around the end of the Suharto regime accounted for much of the communal violence that occurred during the late 1990s and early 2000s. In many cases, local leaders seeking political gain incited existing religious and ethnic tensions, often related to the shortcomings of the transmigration program.

2.47 Government and community groups have since undertaken peace-building efforts in Ambon and Maluku province to promote common values and build inter-faith links between communities. These areas have been largely peaceful for a number of years. However, ongoing communal tensions along religious and ethnic lines in some parts of the country retain the potential to lead to violence.

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1 Indonesia is one of the world's most ethnically diverse countries. The government promotes racial and ethnic tolerance and legislation prohibiting racial discrimination and vilification has been in force since 2008. Article 28I (2), among other articles, of the Constitution states that every person shall have the right to be free from discriminatory treatment based upon any grounds whatsoever and shall have the right to protection from such treatment.

3.2 For many decades the government pursued a 'transmigration' policy, whereby landless people were offered land and housing in less heavily populated locations in order to ease population pressures in densely populated islands such as Java. Critics of the program argued it failed to integrate arriving populations into host communities, and that subsequent segregation led in some cases to communal tensions in rural areas.

3.3 Overall, in spite of some problems discussed above, Indonesia is a successful multi-ethnic society. Friendships and even marriages between people of different ethnicities are not uncommon. Inter-religious marriage can cause difficulties (see [Personal Status Laws](#)). Larger cities in particular are more ethnically mixed and people live and work side-by-side with their peers of different ethnicities.

3.4 DFAT assesses that most Indonesians are unlikely to face official or societal discrimination on the grounds of race or ethnicity. Where clashes between different ethnic groups have occurred in recent times, they have often occurred along ethnic lines in areas with sizeable transmigrant populations. Disputes over land ownership and usage, perceptions of social and economic exclusion or cultural resentment have on occasion resulted in outbreaks of localised violence throughout the archipelago. DFAT assesses that, for the most part, Indonesian security authorities have effectively prevented such incidents and sought to resolve them quickly when they have occurred in recent years.

Ethnically Chinese Indonesians

3.5 Successive waves of immigration to Indonesia from China over more than five centuries have resulted in an established ethnically Chinese Indonesian community throughout the country. The 2010 census recorded 2.8 million ethnic Chinese living in Indonesia, comprising 1.2 per cent of the population. This figure may understate the actual number, as some Indonesians of Chinese descent are reportedly reluctant to self-identify due to past tensions. Many Chinese Indonesians who trace their history in Indonesia for many generations may no longer identify as Chinese and many do not speak Chinese. About half of the ethnically Chinese population are Buddhist and about 42 per cent are Christian. Fewer than five per cent are Muslim, compared with over 87 per cent of Indonesians generally.

3.6 The Suharto-era New Order regime implemented a range of measures that discriminated against Chinese-Indonesians. The law prohibited Chinese language newspapers, schools and cultural expressions, and many Chinese Indonesians were pressured to take Indonesian names. Some ethnic Chinese had difficulty obtaining citizenship and Chinese Indonesians were required to carry a document proving their Indonesian

citizenship. As noted in [Recent History](#), in May 1998 during the Asian financial crisis, rioters targeted the ethnic Chinese community due to their perceived wealth. As many as 1,000 Chinese Indonesians died in incidents related to the riots, women were raped, and businesses were burned or looted.

3.7 Since the end of the New Order regime in 1998, successive governments have removed most official policy measures discriminating against ethnically Chinese Indonesians. Chinese New Year is celebrated as a national public holiday, Confucianism is an officially recognised religion, Chinese cultural performances and languages are accepted, and the Constitution no longer distinguishes between ethnic Chinese and 'indigenous' Indonesians, with barriers to citizenship removed. In 2014, then-President Yudhoyono issued a regulation changing the Indonesian word used to designate 'of Chinese descent' from one which was often associated with racial slurs. A number of Chinese Indonesians have held high office and work in a range of sectors, including the police, clergy and the business community.

3.8 Some anti-Chinese sentiment remains at a societal level. Although many Chinese Indonesians are not wealthy, most of the country's richest and most prominent businesspeople are ethnically Chinese Indonesian, which is a source of resentment for some non-Chinese Indonesians.

3.9 In 2012, President Widodo faced strong criticism from conservative Islamist groups in his campaign for the Governorship of Jakarta for having a Chinese Indonesian and Christian running mate, Basuki Tjahaja Purnama, popularly known as 'Ahok', who later succeeded him. After succeeding Widodo as governor, some of Ahok's policies were controversial and politically divisive, such as slum-clearing, which was perceived as anti-poor. Later, after he was accused of blasphemy in late 2016, a range of groups with complex agendas united to use Ahok's ethnic and religious background as a means to mobilise large crowds of demonstrators (see [Blasphemy and Defamation of Religion](#)). Ahok was later convicted of blasphemy and imprisoned.

3.10 Anti-Chinese sentiment in Indonesia intersects with religious and economic issues. Islamic organisations blamed China for a supposed upsurge in communist sentiment, a politically sensitive subject (see also [Recent History](#)), in mid-2016. Increased Chinese investment in Indonesia has also caused local critics to express concerns about imported Chinese labour and Chinese control over national assets.

3.11 Small-scale local riots took place in a town in North Sumatra in 2016, following an allegation of blasphemy against a Chinese Indonesian woman (see [Blasphemy and Defamation of Religion](#)). While the riots were ostensibly anti-Buddhist, most Indonesian Buddhists are ethnically Chinese and local media described the riots as anti-Chinese and stated that some Chinese families had fled the region. A number of youths were arrested, prosecuted and imprisoned in the wake of the riots.

3.12 DFAT is aware of reports of Chinese Indonesians facing discrimination in relation to buying land in Yogyakarta. Yogyakarta is a special administrative region run as a sultanate, in which the sultan is also the governor. In March 2018, a regional court upheld a 1975 law that only allows 'native Indonesians', which has been construed to exclude ethnic Chinese, to own land in Yogyakarta.

3.13 With the notable exception of the 2016 riots, which may have been partly motivated by racial tensions, anti-Chinese violence has been low since events in 1998. Although memories of the crisis have caused continued anxiety amongst many members of the Chinese Indonesian community, exacerbated by events such as the Ahok blasphemy trial and the 2016 riots, DFAT assesses that Chinese Indonesians currently face a low risk of violence. Persistent anti-Chinese sentiment may lead to low levels of societal discrimination.

RELIGION

3.14 Article 28E (1) and (2) of the Constitution guarantees citizens the freedom to choose and practise the religion of their choice and the freedom to believe their faith; while Article 28I (1) includes freedom of

religion as a human right that cannot be limited under any circumstances. Article 29 (1) and (2) stipulates that, while the state shall be based upon belief in One God, all persons are guaranteed the freedom of worship according to their own religion or belief. However, Article 28J (2) qualifies these protections by stipulating that, in exercising their rights and freedoms, every person has the duty to accept restrictions established by law. These restrictions are for the sole purposes of guaranteeing the recognition and respect of the rights and freedoms of others and of satisfying just demands based upon considerations of morality, religious values, security and public order in a democratic society.

3.15 Indonesia is home to the world's largest Muslim population: over 207 million Indonesians identified as Muslim in the 2010 census. The country hosts two of the largest Islamic organisations in the world, Nahdlatul Ulama and Muhammadiyah, both of which have millions of followers and are socially and politically influential. Most Indonesian Muslims are Sunni, although up to 3 million are Shi'a and approximately 200,000 to 400,000 are Ahmadi. According to the 2010 census, Muslims comprise 87.2 per cent of the population; Protestant Christians 7 per cent; Roman Catholics 2.9 per cent; Hindus 1.7 per cent; others (including Buddhists) 0.9 per cent.

3.16 Indonesia's government officially recognises only Islam, Catholicism, Protestantism, Buddhism, Hinduism, Confucianism (since 1999) and indigenous beliefs ('*aliran kepercayaan*' since 2017). The vast majority of Indonesians are categorised by the government as belonging to one of these religions. Other religions including Judaism or Daoism are not prohibited and have general protection under the Constitution described above. Religious groups outside the official religions must obtain legal charter as a civil society organisation from the Ministry of Home Affairs.

3.17 The Ministry of Religious Affairs (MoRA) oversees the activities of registered religious groups from officially recognised religions. Permits from MoRA are required (and generally granted) to hold religious events, services or other public events. MoRA allows the publication of religious materials, the use of religious symbols, and the delivery of religious speeches provided that the dissemination of such information is to believers already registered as belonging to the religious group. Registered religious groups require MoRA approval to receive funding from overseas donors.

3.18 In order to obtain permission to build a new house of worship, registered religious groups must obtain 90 signatures of support from the users of the planned house of worship and at least 60 from members of the broader community. Approval is also required from the local (city or district-level) religious affairs offices (known as the Forum for Religious Harmony), comprised of religious leaders from the six recognised religions with responsibility for mediating inter-religious conflicts. Local opposition has often prevented minority religious groups from proceeding with construction of a house of worship. This has applied both to the building of churches or non-Sunni mosques in Muslim-majority areas, and to mosques in Christian-majority areas.

3.19 Religious pluralism is an established part of modern Indonesia and a wide range of local and international sources consider that inter-faith tolerance remains strong. Local sources do, however, report an increase in localised instances of religious intolerance over the past decade, including threats from hard-line Islamist organisations.

Personal Status Laws

3.20 Personal status laws relating to family and inheritance vary according to religion. The *Marriage Law* (1974) has general applicability and states that the legal age for marriage is 19 years for men and 16 years for women, but those under 21 years of age must obtain parental permission to marry. All couples marrying in Indonesia must declare a religion, with agnosticism and atheism not recognised. In practice, marriage partners must be of the same faith or one party must convert. The civil registry office records marriages of

Muslims, Hindus, Buddhists, and Christians (Catholic and Protestant). The Office of Religious Affairs performs Muslim marriages, which may occur in a mosque, the home, or any other place. Christian, Hindu and Buddhist ceremonies usually take place in a temple or church ceremony. No marriages are legal until registered with the Civil Registry Office.

3.21 A set of local and traditional laws and dispute resolution mechanisms known as *adat* exists in some rural communities. These are usually related to a region or ethnicity, but may be related to, or include aspects of, religion and may influence family, inheritance or agrarian law. *Adat* tends to evolve over time within discrete communities and different systems of *adat* may be unrelated.

3.22 See [Women](#) for further information on the application of marriage laws. See [Sharia in Aceh](#) for further information about the application of law in that province.

Blasphemy and Defamation of Religion

3.23 Indonesia's Criminal Code prohibits acts or words that insult religion or prevent a person from adhering to one of the official recognised religions. The *Electronic Information and Transaction Law* also makes it an offence to deliberately disseminate information aimed at inciting hatred towards individuals or groups based on ethnicity, religion or race.

3.24 Since the end of the Suharto era, Indonesia has seen a rise in the number of blasphemy cases. Between 2005 and 2014, 106 people were convicted and imprisoned for blasphemy. The majority of these cases involved blasphemy against Islam. Commentators have identified a range of reasons for the rise in blasphemy cases. These include political utilisation of religion, a general trend towards legal regulation of religion and an increased legitimacy of blasphemy laws.

3.25 Indonesia's highest profile recent blasphemy case involved former governor of Jakarta, Basuki Tjahaja Purnama ('Ahok'), an ethnically Chinese Christian, in 2017. Ahok received a two-year prison sentence in May 2017 for suggesting in September 2016 that some Islamic clerics had deceived people by claiming a Koranic verse prohibited Muslims from electing a non-Muslim leader. An edited video of his speech made him appear to insult the Koran. This led to a series of mass demonstrations across the country in following months demanding Ahok's arrest; up to 500,000 people assembled in Jakarta at the largest of these in December 2016. Several hard-line groups played a prominent role in organising the rallies.

3.26 In 2018, courts have so far convicted six people for blasphemy. Notably, in August 2018, an ethnically [Chinese Indonesian](#) Buddhist woman called Meiliana received an 18 month prison sentence for blasphemy, after complaining about the volume of the call to prayer broadcast from speakers at a local mosque in North Sumatra. In response to the perceived affront to Islam, a mob attacked Meiliana's home, Buddhist temples and several other ethnically Chinese Indonesians' homes. In January 2017 several of the rioters were sentenced to prison, the majority for under four months. A later decision to prosecute Meiliana in August 2017 came after sustained community pressure, including from hard-line Muslim groups, and coincided with the high-profile Ahok case.

3.27 In the wake of the Ahok verdict, some civil society organisations renewed calls for the government to repeal the blasphemy laws. However, past challenges to blasphemy laws have failed in the Constitutional Court, and there is no evidence to suggest the government will seek to abolish the laws in the near future.

Mainstream Islam

3.28 Indonesia's mainstream Islamic identity has historically emphasised moderation and syncretism, although often with socially conservative elements. Islamic belief and practice is not consistent throughout

the country with varying degrees and combinations of this moderation, syncretism and conservatism, varying in response to different local issues.

3.29 Hard-line groups including the Islamic Defenders Front, known as 'FPI', a far-right Sunni Islamist organisation, have used vigilante tactics against its opponents, including moderate Muslims. The FPI was involved in the anti-Ahok protests. It has protested against and taken vigilante action against other groups including Ahmadis and people perceived to be LGBTI, as well as venues serving alcohol, or even food during Muslim fasting month Ramadan. But even hard-liners who may sometimes be united by a common cause, may not be united on other issues. Overall, the number of hard-line radicals is small.

3.30 Outward expressions of Muslim piety have increased since the beginning of the democratic period. For example the number of people wearing hijab or beards or going on religious pilgrimages (*umrah* or Hajj) has increased, particularly among the middle classes. This does not necessarily reflect a rise in radicalism, but may reflect current social pressures as well as longstanding Indonesian social conservatism, which is also found among non-Muslims. Some Indonesians who choose not to comply with conservative religious norms, particularly women in rural areas, may relocate to Jakarta or other cities if circumstances allow (see [Women](#)).

3.31 Extremist recruiters target all Indonesian Muslims, including mainstream Muslims, but DFAT is not aware of reliable reports of forced recruitment practices by ISIL or other extremist groups. ISIL-linked Indonesian groups have been known to recruit via social media, suggesting a voluntary propaganda-based campaign. Newspaper and in-person recruiting has been reported, but with no suggestion of forced recruitment.

Sharia in Aceh

3.32 Under the terms of a 2005 peace agreement that ended a separatist conflict in Aceh, the province has special authority to implement Islamic or *sharia* law and related penalties. The province also has the power to pass local regulations based local conditions without requiring central government approval. Although some local regulations based on *sharia* have been in place since 2001, the *sharia* criminal code only came into full effect in Aceh in October 2015.

3.33 Local regulations prohibit the consumption, production and distribution of alcohol, close proximity with members of the opposite sex with whom one is not married or closely related, adultery, gambling, and homosexuality (see [LGBTI](#)); impose strict dress codes based on 'Islamic attire', and enforce curfews on women. Since 2005, punishments for violations of the regulations have included public canings (see [Corporal Punishment](#)).

3.34 *Sharia* law is intended to apply to Muslims in Aceh and not non-Muslims or non-permanent residents, although non-Muslims are expected to obey criminal laws based on Islamic law in cases where the national criminal code does not otherwise cover those offences. In April 2016, a Christian woman received 28 strokes of the cane for selling alcohol and, in March 2017, two Buddhist men were caned for gambling on cockfighting. In March 2018, Christians were caned for gambling using a children's game. In the latter two cases, the accused reportedly elected to receive the cane rather than face criminal charges.

Christians

3.35 Christianity is Indonesia's second-largest religion after Islam. Approximately 24 million Indonesians listed their religion as Christian in the 2010 census. Protestants make up approximately 7 per cent of the total population and Catholics approximately 3 per cent of the total population. Christian communities exist

in every province and Christianity is the majority religion some of the eastern provinces including the Papua provinces and North Sulawesi. East Nusa Tenggara, especially the island of Flores, is majority Catholic. About a million Christians lived in Jakarta at the time of the last census. A large number of Protestant churches operate in Indonesia including mainstream Protestants (especially those related to Lutheran denominations) and evangelical and Pentecostal churches as well as non-denominational independent churches.

3.36 Christians are generally able to practise their faith freely throughout Indonesia. High-level inter-denominational and inter-faith dialogues, especially between Muslims and Christians and between Catholics and Protestants, occur regularly. Christians residing in some areas, particularly where hard-line Islamist groups are more influential (such as Aceh, and parts of East and West Java) have occasionally been prevented from worshipping, including through forced church closures and the disruption of church services, however this violence and discrimination appears to be localised.

3.37 A small number of recent terrorist attacks have targeted Christians, although most recent terrorism events have targeted state institutions, especially police. The May 2018 Surabaya suicide bombings affected Catholic, mainstream Protestant and Pentecostal communities. Several churchgoers and a priest were injured in a sword attack on a Catholic church in Yogyakarta in February 2018, in which the perpetrator hacked at statues of Jesus and Mary before being shot by police.

3.38 Christian communities have remained resilient in spite of recent violence and church attendance has not fallen as a result. Security at churches increased briefly after the May attacks and police provide extra protection at major festivals such as Christmas and Easter. Some Muslim groups also volunteer to assist or provide security at events and festivals.

3.39 Conversion to and from Christianity is common. Some bureaucratic difficulties can be encountered in registering a change in religion with the government, but this is not a significant barrier to conversion, which commonly occurs without difficulty. Some Pentecostal Christians are involved in door-to-door evangelical activities, which have been known to upset religious sensitivities. Preaching by foreign missionaries is unlawful, but the US State Department reports that many foreign missionaries preach without official sanction.

3.40 Christians do not generally experience discrimination in gaining access to health care, education or employment.

3.41 DFAT assesses that Christians residing in areas where they are a majority do not face either official or societal discrimination. Christians residing in areas where conservative Islam is prevalent face a low risk of societal discrimination in the form of impediments to worship, although this risk is unlikely to include violence. DFAT assesses that Christians face a low risk of terrorism in spite of recent exceptional events.

Ahmadiyah (Ahmadis)

3.42 Approximately 200,000 to 400,000 Ahmadis live in Indonesia, particularly in Jakarta and West Java, as well as Lombok, although estimates vary considerably. The Ahmadiyah, established in the 19th century, observes the five pillars of Islam, worship according to the Koran, and self-identify as Muslims. Ahmadis believe that their founder succeeded Muhammed as the embodiment of the spirit of the Prophet incarnate. This belief differs from conventional Islamic doctrine, which does not allow for the possibility of a prophet after Muhammed.

3.43 A number of measures taken at the national, provincial and district level restrict the ability of Ahmadis to follow or propagate their religion. In 2005, the Ulema Council, a nationwide council of Islamic clerics, issued a *fatwa* declaring the Ahmadiyah faith heretical, and calling for a nationwide ban. The government issued a joint ministerial decree in 2008 that permitted Ahmadis to continue to worship, but

prohibited them from spreading their faith. The decree imposed a maximum five-year prison sentence for violations. Ahmadis do not publicly proselytise in Indonesia, but an international Ahmadi media presence is accessible from Indonesia. This led to a series of attacks against Ahmadis and places of worship across Indonesia between 2006-2011, killing three, leaving dozens injured and hundreds displaced. Some provinces have banned all Ahmadi activities, and ordered the closure of Ahmadi mosques. Strong pressure from local community members in the greater Jakarta metropolitan area has led to authorities routinely closing Ahmadi mosques. DFAT understands that access to Ahmadi mosques is generally better in other parts of the country, including DKI Jakarta.

3.44 Groups of vigilantes have attacked Ahmadis at a local level in recent years, protesting the presence of mosques, for example. Amnesty International Indonesia reports that mobs attacked Ahmadi communities in East Lombok and West Nusa Tenggara in May 2018. Over 100 Ahmadis remain internally displaced in West Nusa Tenggara province after mobs violently forced them from their homes in 2006. Ahmadis continue to report that violent groups have prevented access to their mosques during Friday prayers, with police providing little or no assistance. A minority of Ahmadis have reported difficulties in obtaining identity cards (which list the bearer's religion) from local authorities who refuse to accept the Ahmadis' nomination of Islam, however this treatment does not appear to be consistently applied. This has restricted their ability to access government services, including health care. Ahmadis in Jakarta do not report, or report low levels of, discrimination in health care, education or employment.

3.45 DFAT assesses that Ahmadis face a low risk of official discrimination in the form of national, provincial and district-level regulations restricting them from practising their faith freely and, in some cases, preventing them from obtaining government services due to the non-provision of identity cards. Ahmadis living in rural areas face a moderate risk of official discrimination. Ahmadis residing in areas where conservative Islam is prevalent face a moderate risk of social discrimination that may include physical and verbal threats and harassment, and being prevented access to their places of worship. Ahmadis living in Jakarta face a lower risk of social and official discrimination.

Shi'a

3.46 Numbers of Shi'a Muslims are difficult to estimate: perhaps one to three million Shi'a live in Indonesia. Sectarian identity between Sunni and Shi'a Muslims is less pronounced in Indonesia than in other majority Muslim countries and many Indonesians identify as 'just Muslim' rather than having a strong Sunni identity. Shi'ism has an historical presence in Indonesia and relations between the sects have generally been peaceful.

3.47 Discrimination against Shi'a in Indonesia is caused by hard-line groups demanding religious orthodoxy. Some groups use anti-Shi'a rhetoric to promote political interests. With some exceptions, it is not characterised by violence. Discrimination against Shi'a has taken a number of forms, including physical and verbal threats and harassment, publicly displayed banners hung on private buildings declaring Shi'a to be infidel and local governments issuing regulations prohibiting Shi'a from celebrating events. In 2012, the East Java Branch of the Indonesian Ulema Council (MUI) issued a fatwa against Shi'a. In 2014, several Islamist groups in West Java, including Salafis and conservatives from mainstream religious organisations such as Nahdlatul Ulama, created a National Anti-Shi'a Alliance (ANNAS) to campaign against the 'deviant sect', with branches appearing across Java. The only Shi'a member of parliament was the subject of a smear campaign in the lead-up to the April 2014 parliamentary elections.

3.48 In a widely reported incident over several months in 2011-2012, around 1,500 people attacked members of the Shi'a community in Madura, East Java, resulting in one death, several injuries and leaving

over 50 homes destroyed and approximately 300 people displaced. DFAT is not aware of any more recent events of this degree of seriousness.

3.49 DFAT assesses that Shi'a residing in areas where conservative Sunni Islam is prevalent face a moderate risk of social discrimination that may include physical and verbal threats and harassment and being prevented from accessing their places of worship. This risk is comparable to that faced by Ahmadis.

Hinduism

3.50 Hinduism has a long history in Indonesia. The first Hindus arrived in the archipelago in the first century as traders. Although now a small minority of approximately 4 million people or 1.7 per cent of the national population, Hindus form a majority in parts of the country, notably the province of Bali where over 80 per cent of the population identified as Hindu at the last census. Small Hindu populations live in Java, including Jakarta and West Nusa Tenggara (Lombok). The government sponsored internal migration by Balinese Hindus as part of the *transmigrasi* programme to Lampung, southern Sumatra, Central Sulawesi and the Kalimantan provinces, which now have small Hindu communities.

3.51 Religion in Indonesia is constitutionally defined as a belief in 'One and Only God' in the Abrahamic monotheistic tradition. Like other non-monotheistic faiths, Hindus were classed as not having a religion before 1965. Hindus declared a belief in Sanghyang Acintya as their Supreme God in order to fit the definition of worshipping one god. Some indigenous religions, sometimes with little to do with Hinduism, affiliated themselves to Hinduism to take advantage of the official status of the religion.

3.52 Like other minority religions, Hindus have claimed difficulty in establishing houses of worship, under pressure of local hard-line Islamic groups or because of bureaucratic processes that they claim are discriminatory.

3.53 DFAT assesses that Hindus living in Bali do not face social discrimination or violence on the basis of their religion. Hindus living in other parts of the country where they are a small minority may face low level official discrimination.

Atheism

3.54 Professed atheism in Indonesia is uncommon. In practice, Indonesian atheists may hide their beliefs. Atheism was associated with communism and the banned Indonesian Communist Party (PKI) during the New Order period (see [Recent History](#)). Atheists tend to communicate online, including in closed groups on social media. A religion is usually listed on a citizen's identity card, however an option for a dash (-) where religion is usually placed may be possible. But many opt to list a religion on their identity card as such identification may lead to discrimination in obtaining employment, especially government employment.

3.55 In 2014, an atheist known as Alexander Aan was imprisoned for 19 months in West Sumatra for Facebook commentary on his beliefs about God. A mob gathered at his office and police attended ostensibly to prevent violence but later charged Aan with disseminating information aimed at inciting religious hatred.

3.56 DFAT assesses that a person who is openly atheist would face a moderate risk of societal and official discrimination and a low risk of violence. The risk of either social discrimination or violence would increase if that person publicly promoted atheism or tried to convert others.

Indigenous beliefs

3.57 Between 12 million and 20 million people follow indigenous belief systems. Numbers are difficult to estimate as indigenous beliefs may have syncretistic influences on other faiths and distinctions between groups are sometimes unclear. As many as 1,200 different faith groups exist, collectively known as *aliran kepercayaan*. The majority of followers live in Java, Kalimantan and the Papua provinces.

3.58 The government treats indigenous beliefs as 'cultural manifestations' rather than religions in their own right. Indigenous beliefs are regulated by the Ministry of Education and Culture (MoEC), rather than MoRA.

3.59 Some adherents of indigenous beliefs fear being accused of atheism. According to the US State Department International Religious Freedom Report, members of indigenous religions report difficulty in winning promotions in the public service, registering marriages and building houses of worship. Some adherents of indigenous religions claim their children are unable to receive religious education and are forced to attend classes in one of the six officially recognised religions.

3.60 Although the Constitutional Court struck down laws requiring citizens to choose an officially recognised religion, or no religion, on their identity cards, many followers of indigenous beliefs continue to have the dominant religion in their area listed on their identity cards to avoid discrimination. In November 2017 the Constitutional Court found in favour of a judicial review of the law on national identity cards, ruling indigenous beliefs should be able to be recorded.

3.61 DFAT assesses that local authorities generally respect people's right to practise traditional beliefs, but notes a low risk of social and official discrimination.

Millah Abraham (Formerly *Gafatar*)

3.62 Millah Abraham is a religious belief associated with a group formerly known as *Gafatar*. It is a spiritual and social movement that combines teachings of Islam, Christianity and Judaism. According to its followers, *Gafatar* members used the Millah Abraham ideology as motivation to promote environmental protection and health care initiatives in the community. At its peak, *Gafatar* reportedly had approximately 12,000 members living in small communities across Indonesia.

3.63 Some Indonesians consider Millah Abraham to be heretical due to its combination of religious teachings. In early 2016, media reports of allegations by relatives of *Gafatar* members that the group had engaged in abductions and forced recruitment increased public suspicion and animosity.

3.64 In January 2016, locals looted and destroyed a *Gafatar* compound in West Kalimantan province where many of its members had moved to live a communal lifestyle. Human rights groups claim that security forces did not intervene. Following the attacks, government officials transferred at least 2,000 *Gafatar* members to unofficial detention centres, before moving them to several locations in Java. Members claimed they were subjected to re-education sessions to 'return them to the true religious path'. Some claimed that authorities had confiscated and not returned their identity cards. A local source claims authorities sold the land occupied by the destroyed *Gafatar* compound to foreign developers, and did not offer the group any compensation.

3.65 In February 2016, the Minister of Religious Affairs, Attorney General and Minister of Home Affairs issued a joint ministerial decree (No. 93/2016) formally banning the organisation. The decree forbids ex-members or sympathisers of the movement from performing activities and from disseminating or interpreting any teaching that deviates from the basic teaching of Islam. A court convicted three *Gafatar* leaders in March 2016 of blasphemy under Article 156(a) of the Criminal Code (Blasphemy and Defamation

[of Religion](#)), and sentenced them to between three and five years' imprisonment. As of November 2017, the sentences were under appeal. The court acquitted the three of treason.

3.66 DFAT understands adherents had been harassed on the streets for their beliefs in the past, but that this no longer occurs. They avoid wearing the orange uniforms and the name '*Gafatar*' in order to avoid harassment. The government and the media still take an interest in their activities, but authorities do not prevent them from organising or practising as a social movement rather than a religion. Members have access to health and education.

3.67 DFAT assesses that former members of *Gafatar* face a moderate risk of official discrimination, as they are unable to practise their faith freely, and risk official harassment, arrest, detention and prosecution should they attempt to do so. DFAT assesses that former *Gafatar* members face a low risk of societal discrimination, including in health care, education and employment.

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.68 Indonesia has made impressive democratic gains in the post-New Order era, establishing pluralism in politics and the media, and undergoing multiple peaceful transfers of power. Articles 28E and 29 of the Constitution guarantee Indonesians the freedom to practise their faith and to express views and thoughts in accordance with their conscience, the freedom to associate, to assemble and to express opinions, and freedom of worship according to their own religion or belief.

3.69 In practice, various laws limit the exercise of these rights. A range of non-violent offences attract lengthy prison terms, including defamation, libel, insult (including against the president and vice-president), and the spread of communist teachings in public.

3.70 Freedom of expression is restricted on a number of issues, discussed in further detail in relevant sections of this report. The issues include religious expression outside of the six officially recognised religions open expressions of support for separatism, criticism of state institutions and the *Pancasila* state ideology (see [Pancasila](#)), promotion of communism, and discussion of LGBTI rights (see [LGBTI](#)).

3.71 Protests about corruption and democracy are common. Activists and NGOs are generally able to operate freely and without significant barriers to registration. In particular, the anti-corruption body, KPK, is very popular and receives public support (see Corruption). A permit is generally required to hold a public demonstration, however most peaceful public demonstrations are unhindered. Social media is popular and expression on social media is generally unhindered.

3.72 Universities and students may come under pressure from hard-line Islamic groups, such as the FPI. DFAT assesses that academic freedom is generally respected. Some government censorship of themes considered pornographic or religiously sensitive (see [Blasphemy and Defamation of Religion](#)) may reduce freedoms in practice.

Secessionists

3.73 Individuals engaging in separatist activities can be charged with 'rebellion' or 'treason' under Article 106 of the Criminal Code, which may carry a life prison sentence. Government Regulation 77/2007 on 'Regional Symbols' bans the display of separatist symbols, and specifically lists the flags used by separatist movements in Aceh, South Maluku and the Papua provinces.

3.74 The 2005 peace agreement between the Indonesian government and the Free Aceh Movement (GAM) effectively resolved the question of Acehnese secession, with many prominent members of the GAM

leadership becoming members of the Acehese provincial government. Aceh's legislature controversially passed a regulation in 2013 making the outlawed the red, white and black 'Crescent Moon' flag the province's official flag. While the central government has repeatedly said it does not accept the provincial flag, DFAT is not aware of cases where persons raising the flag have been subsequently arrested or subjected to discrimination. DFAT assesses that people previously affiliated with the GAM are not subject to official discrimination.

3.75 The Maluku Islands in eastern Indonesia are divided into the provinces of North Maluku and Maluku. In 1950, the predominantly Christian south unsuccessfully attempted to secede as the Republic of South Maluku with a government-in-exile continuing to exist in The Netherlands. Twenty-three South Malukan secessionists were imprisoned in June 2007 for raising the Malukan flag and Amnesty International claims that they were tortured. Prosecutions for similar flag raisings were reported in 2015. DFAT assesses that South Malukans who openly advocate secession from Indonesia, including through displaying the banned flag, face a moderate risk of official discrimination in the form of harassment and legal sanction.

Secessionists in the Papua provinces

3.76 The Dutch refused to include the western half of the island of New Guinea, now the provinces of Papua and West Papua ('the Papua provinces'), in the new Indonesian state at independence in 1949. Indonesia, however, regarded the provinces as an intrinsic part of the country on the basis that Indonesia was the successor state to the former Netherlands East Indies. An agreement in 1962 facilitated control of the provinces to Indonesia in 1963, and stipulated that a popular plebiscite would determine whether the population would choose to remain with Indonesia or would seek self-determination. In 1969, the Indonesian government nominated 1022 tribal representatives to vote in an 'Act of Free Choice', a process the United Nations (and Australia) recognised. The vote was unanimous in favour of integration into Indonesia.

3.77 The New Order regime followed a 'security first' approach to governing the Papua provinces, which were formerly known as Irian Jaya. Human rights observers have documented a number of serious human rights abuses committed by security forces during this period that, for the most part, remain unresolved. The end of the New Order regime and the dual processes of democratisation and decentralisation that followed resulted in a major shift in the central government's approach to the Papua provinces, with successive governments focused increasingly on accelerating development. The *Special Law on Autonomy* (2001) acknowledged the human rights abuses of the New Order era and granted Papua (which at the time included what is now the provinces of Papua and West Papua) a range of formal political, economic and cultural rights, including the provision of additional funding to facilitate development.

3.78 A number of independence movements exist, both peaceful and armed. There is some overlap and linkages between the groups, including between some armed and non-armed groups. Despite their common purpose, not all groups cooperate or agree. Political activities unrelated to secessionism, particularly those organised by ethnic Papuans, face a higher degree of scrutiny from security forces than those organised outside of the Papua provinces, due to suspicions they may have secessionist motives.

3.79 A significant police and military presence is stationed in the Papua provinces. Human rights NGOs allege unlawful killings of peaceful protestors by police, including in demonstrations unrelated to the independence movement. A March 2016 report from a Komnas HAM commissioner, Natalius Pigai, found at least 700 cases of 'arrests, mistreatments and killings' in the Papua provinces involving security personnel since December 2014.

3.80 According to Amnesty International Indonesia, 69 cases of unlawful killing by security forces in Papua resulted in 95 deaths between January 2010 and February 2018. Fifteen of those cases related to policing of public demonstrations and 9 related to an attempt to arrest a suspect.

3.81 In 2017 the Papua provinces received approximately AUD 800 million in special autonomy funding from the central government, which is managed by ethnic Papuan-run local governments. President Widodo has identified development in the Papua provinces as a key government priority and he has visited on many occasions. Policy achievements to date include lowered prices for basic goods, improved transport infrastructure including working on the Trans-Papuan highway, and increased access to education. The president has released a number of political prisoners and encouraged a greater level of international access to the provinces. The Governorship of both provinces is reserved for ethnic Papuans, and only ethnic Papuans can contest and win positions in local and gubernatorial government, including in the 2018 regional elections.

3.82 Despite increased state funding, the Papua provinces have development challenges. The poverty rate is high. In remote and highland areas, where many people live, basic health and primary education services are not available due to poor governance. In other areas health services are basic, but subsidised (see [Health](#)). The government has difficulty recruiting teachers. The security situation in the Papuan highlands is poor with conflict between security forces and armed groups, criminal activity, inter-tribal conflict and tensions between ethnic-Papuans and other Indonesians. Domestic violence is also widespread. The terrain is rugged and remote communities are difficult to access.

3.83 Reliable statistics are difficult to obtain and estimates vary, but it is believed that non-Papuans comprise at least 40 per cent of the population, and are in the majority in many urban areas in the Papua provinces. While the transmigration program to the Papua provinces has formally ended legal migration to Papua continues. Some ethnic-Papuans dislike the presence of Indonesians from other parts of the archipelago who have moved there over a period of decades. Like all Indonesians, Papuans can and do move to other parts of the country and ethnic Papuans can be found in different parts of Indonesia, including Jakarta.

GROUPS OF INTEREST

Civil Society Organisations (CSOs)

3.84 Indonesia hosts a strong and active civil sector that has steadily expanded since the end of the New Order regime. Civil society organisations (CSOs) conduct advocacy and activities on a wide range of social, cultural, political and economic issues, including human rights and tolerance. CSOs are generally able to conduct their activities without significant government interference. Authorities generally uphold freedom of assembly, and peaceful protests are common in Jakarta and other cities. Where they exist, workers can join independent trade unions, bargain collectively, and (with the exception of civil servants) stage strikes.

3.85 Some organisations working on politically sensitive issues have reported government monitoring of their activities and a small number have experienced official obstructions, including threats and harassment. LGBTI organisations have reported an increased tendency for police to shut down their events (see [LGBTI](#)). Organisations with connections to secessionist movements – particularly in the Papua provinces – are likely to attract adverse official attention or sanction. Official and unofficial censorship has long been in place regarding the anti-communist purges in 1965-66 (see [Recent History](#)). Although discussion of these issues has been more open in recent years, it remains one of the most sensitive events in Indonesia's history. Authorities have continued to force the closure of events: one civil society report alleged authorities shut

down 17 screenings and 29 discussions with communist or 1965 themes in 2015-16. According to the Southeast Asia Freedom of Expression Network, almost three-quarters of the 58 violations of freedom of expression and assembly it recorded in 2015-16 related to communism.

3.86 The *Law on Societal Organisations* (2013, amended in 2017) requires all civic and religious CSOs to register with the government and submit to regular reviews of their activities. The law limits the types of activities CSOs can undertake, requires them to obtain formal government approval to operate, sets out the process for dissolving organisations, and bans them from committing blasphemy or espousing ideas that conflict with the principles of *Pancasila*, including atheism and communism (see also *Pancasila*). Some CSOs working on sensitive issues have reported difficulty renewing their registration with authorities. In July 2017, in order to ban the extremist group Hizbut Tahrir, President Widodo issued an interim emergency law which had to be endorsed by the Indonesian lower house of parliament (DPR) within a specified time period before it effectively lapsed. That interim law expanded the government's powers to disband organisations considered anti-*Pancasila*, bypassing the requirement for judicial approval or review. On 24 October, the Indonesian DPR formally endorsed (314 yes votes to 131 no votes) the President's interim emergency law, thereby effectively amending the 2013 on Societal Organisations.

Media

3.87 Press freedoms in Indonesia have expanded extensively in the democratic era. Article 28 of the Constitution provides the right to express written and oral opinions within the limit of the law. The *Press Law* (1999) outlines the principles, functions, rights, obligations and roles of the press. Article 4 of the law guarantees freedom of the press, and prohibits censorship or broadcasting restrictions. In practice, however, legal and regulatory restrictions can impede press freedoms. Journalists attempting to cover human rights issues in the Papua provinces claim to be subject to close monitoring and intimidation, while foreign journalists face regulatory hurdles to gain permission to visit the Papua provinces. Overt or personal criticism of the president is often considered to be anti-*Pancasila* and inflammatory. Books and films are subject to official censorship and self-censorship for allegedly obscene or blasphemous content.

3.88 Freedom House ranked Indonesia as 'partly free' for press freedom and 'freedom on the net' in the Freedom in the World 2018 report. The Economist Intelligence Unit Democracy Index 2017 rated Indonesia 'largely unfree' for media freedom, and slightly below the regional average.

3.89 Indonesia's media sector has expanded significantly since the end of the New Order regime. Indonesia now has hundreds of television stations (including cable), more than 2,000 radio stations, and 1,000 newspapers, and numerous web-based media outlets. Several major media conglomerates own and operate most of these media outlets. The number of reporters increased from about 15,000 during the New Order regime to at least 100,000 in 2017. Social media, particularly Instagram and, to a lesser extent, Twitter, is popular and has played an increasingly important role in raising awareness of political and social issues among people of all ages, and in mobilising mass campaigns.

3.90 The Press Law provides explicit protection for journalists, including up to two years in prison and fines of IDR 500 million (AUD 50,000) for anyone who physically attacks a journalist. However, media advocacy organisations have reported an increase in assaults on journalists in recent years.

3.91 The ITE law (see *Blasphemy and Defamation of Religion*) provides the basis for internet governance. Under the law, authorities can prosecute individuals for transmitting or distributing online material that is 'against propriety' or constitutes an 'affront and/or defamation'. In September 2016, the Jakarta Post estimated that around 179 people – an average of four per month – had been prosecuted for online defamation since 2008. In 36 per cent of the cases, the alleged defamation had involved criticisms of the government or reports of corruption, while a further 40 per cent of cases involved individuals expressing

dissatisfaction with services. Some media sources report that the threat of pre-trial detention in defamation cases can lead journalists to practise self-censorship in their reporting.

3.92 In October 2016, the DPR passed a series of amendments to the ITE law that strengthen the government's authority to control internet content. Amendments include enhanced powers for civil investigators to block content without approval from a court or other government approval process, and criminalisation of 'cyber-bullying', punishable by up to four years' imprisonment. The revisions also give the government specific powers to protect the public interest through the removal of 'negative content', including the blocking of websites. While the law itself does not define what this entails, Ministerial Decree 19/2014 lays out two criteria: pornography and 'other illegal activities inconsistent with Indonesia's laws and regulations'. Websites can be blocked based on public complaints, reports from other government agencies (including the police), and internal investigations by the Ministry of Communications and Information Technology. There is no judicial oversight, and no legal recourse for unblocking a website once blocked.

3.93 DFAT assesses that Indonesian journalists and social media users are generally able to operate without interference (with the Papua provinces as the exception). If attempting to cover the sensitive subjects outlined in [Papua](#), journalists may feel pressured to self-censor their reporting to avoid the risk of legal sanction or pressure from hard-line Islamist groups.

Women

3.94 Women participate in all areas of Indonesian society. However, societal, cultural and religious barriers limit the extent of that participation. Indonesia ranked 113th (out of 188) on UNDP's 2016 Gender Inequality Index, which is a composite measure reflecting inequality in achievement between women and men in relation to reproductive health, 'empowerment' (in political spheres and in relation to education) and the labour market. The government has made efforts to promote women's rights and Indonesia has ratified the Convention for the Elimination of Discrimination Against Women.

3.95 Although a 2008 law requires that 30 per cent of a political party's candidates and board members must be women, the proportion of seats held by women in the national parliament has remained steady over the past five years at around 17 per cent. In part, this reflects a popular view that politics is a male occupation: female candidates face considerable difficulties in gaining financial support to campaign, and in securing winnable positions on party lists.

3.96 Despite steady economic growth and increased urbanisation, the participation of women in the workforce has stagnated in recent decades at just over 50 per cent. Employers may prevent women from working at night, ostensibly for their own safety. Participation is lowest for married women and women with children. Cultural norms play a part in the strong gender segregation of industries. A large percentage of women who work are in the informal sector, particularly in low paying and low-skilled sectors such as agriculture, trade, retail (including as street vendors) and domestic service. Migration to foreign countries for employment opportunities is an important source of income for Indonesian women. Local sources say sexual harassment in the workplace occurs, but that the situation is improving as awareness of the issue grows.

3.97 A nationwide survey carried out by Indonesia's Central Statistics Agency in 2017 revealed that a third of Indonesian women had experienced either physical, sexual, emotional or economic violence in their lifetime. Over 33 per cent of women aged 15 to 64 years had experienced physical or sexual violence in their lifetime, and approximately a quarter of married women had experienced violence at the hands of their husbands. The survey found that women living in urban areas and with higher levels of educational attainment were more likely to report experiencing violence than those in rural areas. This may reflect a greater willingness and capacity to report, and does not necessarily mean that they experience more violence than poorer and rural women.

3.98 Domestic violence safe houses exist, but are few in number. The availability of facilities varies between local government areas. Rules in these facilities are strict, including time limits for stays of approximately a week. NGOs or village heads may make local arrangements to protect women on a temporary and *ad hoc* basis. Police protection is inconsistent. Some police encourage women to return to their abusers. Men will sometimes report a woman fleeing violence to police for abandoning her children. Women who are financially dependent on their husbands are unlikely to report abuse for fear that he will be arrested and she will thus be left without an income.

3.99 According to the National Commission on Violence against Women, most sexual violence occurs in remote areas and villages, including gang rapes. Many victims are reluctant to report rape due to cultural stigma, while a high burden of proof and weak legal definitions make prosecutions of rapists and other sex offenders difficult. Police reportedly often focus on the victim's dress and behaviour when investigating cases of sexual assault.

3.100 Indonesia has made significant gains in reducing child marriage, which disproportionately affects girls, over the past three decades. Notwithstanding such gains, at least one in six girls still marries before the age of 18, while in Sulawesi and Kalimantan the figure is one in three. Girls in rural areas and from poor backgrounds are particularly vulnerable to early or forced marriages. National data likely underestimates figures due to the high rate of unregistered marriages among the poor. There is an inconsistency between the Marriage Law, which places the legal age of marriage with parental consent for girls at 16 (19 for boys) and the *Child Protection Law* (2014), which prohibits marriage before 18 under any circumstance. Parents can petition district-level religious judges or marriage officials for permission to marry their daughters at any age, with judges usually granting such petitions.

3.101 The Marriage Law designates the husband as the head of the family. The Marriage Law considers property acquired during the marriage as joint marital property, but property brought into the marriage by one party or acquired separately as either a gift or inheritance is deemed to remain the property of the person concerned. The consent of both parties is required in relation to any decision affecting joint marital property. Debts and obligations incurred by one party during marriage are generally considered a joint obligation, and claims must be satisfied out of the joint property. Debts acquired prior to marriage continue as personal debts. Children are considered minors up to the age of 18 or until they are married (in the case of women marrying before the age of 18).

3.102 Divorces must be heard in court. Religious courts have jurisdiction over Muslim marriages and divorce. 'Triple talaq' divorces, in which the husband may unilaterally divorce his wife, have been banned since 1991. According to the Marriage Law, the husband and father of children is responsible for his children's wellbeing until the age of 21. A court can order that he pays spousal maintenance after divorce.

3.103 Polygamy is legally allowed, but is uncommon. According to the law, a man must seek judicial approval, which includes an assessment about whether he can equally maintain more than one wife and that an existing wife is incurably ill or incapacitated or that she is unable to have children. Permission from existing wives must also be sought. Polygamous marriages that are not approved by courts also exist in the form of unregistered religious marriages.

3.104 Women who are not married or who are divorced may legally be head of a household in their own right. A birth can be registered in the absence of a marriage certificate. In-country contacts report that these processes are bureaucratic and can be slow on a case-to-case basis. Women who are not married may face social stigma or harassment, including sexual harassment, especially if they are divorced. Some women may choose to move to Jakarta for more independence. This option may not be available to women who are financially dependent on their families or lack work connections in their hometown and in Jakarta. Marriages that are not formalised by the state, which constitute up to 70% of marriages in some districts, also continue to be a major barrier to women and children in accessing services and exercising their legal rights.

3.105 Abortion is illegal except where a woman has been raped and in that case only within 40 days of conception. Some victims of rape are not aware of their pregnancy within 40 days due to the typical signs of pregnancy not being apparent in that time, according to women's advocates. Abortion is a criminal offence both for the woman undergoing the procedure and the person performing the procedure. Local sources report that illegal abortions are common and that they may be performed by non-medically trained clinicians.

Female Genital Mutilation/ Cutting (FGM/C)

3.106 Female genital mutilation/cutting (FGM/C) is still widely practiced in Indonesia. UNICEF estimated in 2016 that 60 million Indonesian females had undergone some form of FGM/C, including nearly half of Indonesian girls under the age of 11. The report, which drew on the Indonesian Ministry of Health's (MOH) 2013 National Basic Health Survey, found that FGM/C occurred across all socio-economic quintiles and all levels of education. The practice occurs in both rural and urban areas and is generally carried out on infants. Religious beliefs and tradition continue to drive the practice. Unclear national regulations, together with permissive local regulations, increased medicalisation and supportive religious teachings, have all contributed to the continuation of the practice of FGM/C.

3.107 Efforts to ban FGM/C have faced strong opposition from religious leaders. In 2006, MOH issued a decree prohibiting medical professions from undertaking FGM/C. However, a conservative backlash resulted in Indonesia's top Muslim clerical body issuing a religious decree in 2008 that described FGM/C as part of religious practice, and therefore should not be prohibited. The MOH issued another decree in 2010 (repealed in 2014) that permitted licensed doctors, midwives and nurses to practise FGM/C. The 2010 decree contributed to an increase in the severity of the practice: whereas traditional midwives had long carried out symbolic procedures involving minimal or no physical harm, professionals in health services were more likely to surgically remove some or all of the female external genitalia. Health providers have reportedly marketed FGM/C as part of a birth delivery package with other services such as immunisations.

LGBTI

3.108 The Penal Code does not criminalise gay identity or same-sex intercourse. Some local laws criminalise same-sex activity, including in South Sumatra provincial laws and the cities of Pariaman and Palembang municipal laws. Gay sex is punishable with up to 100 strokes in Aceh, a punishment that was meted out for the first time in May 2017 when two men accused of being caught in bed together were lashed 83 times each. On 13 July 2018 two men received 87 strokes each for charges of same-sex intercourse. National laws discriminate against the LGBTI community while not criminalising same-sex relationships or conduct directly. Indonesia does not recognise sexual orientation or gender identity as grounds for protection in its anti-discrimination framework.

3.109 Pornography laws have been used to prosecute gay men engaging in consensual sex. That law contains provisions that identify gay sex as 'deviant', and carries penalties for offences of up to 15 years in prison. Pornography is broadly defined and can include gestures or conversations deemed to be pornographic. Since 2016 an increasing number of incidents where police, or vigilantes who later report to police, have invaded private spaces including homes, hotel rooms and private clubs looking for LGBTI people. Victims have been paraded naked in public and identified in the media on some occasions, and as a result may have lost their jobs. In 2017 Human Rights Watch reported that police apprehended 300 people for their presumed sexual orientation or gender identity. This included the arrest of 141 gay or bisexual men in one raid in May 2017 of a gym and sauna in Jakarta. LGBTI people who are charged with these offences have difficulty in accessing legal representation due to discrimination by lawyers and judges. In October 2018, two men were arrested for hosting an online social media page to connect LGBTI people and charged for

spreading immorality under the Electronic Transactions and Information Law. The charge can incur a prison term of up to six years and maximum fine of IDR 1 billion/AUD 100,000. In late 2018, observers have noted a nascent trend of district level governments considering local regulations to 'ban' LGBTI, however it is not currently reflected in discussions at the national policy level.

3.110 LGBTI people generally avoid interaction with police where possible, as they believe police to be more likely to harass or blame LGBTI victims of crime than they are to provide access to justice. International observers have reported cases where police have colluded with Islamist organisations in harassing the LGBTI community. Officials often ignore formal complaints from LGBTI victims in assault cases, particularly if the suspect has police connections.

3.111 Significant social stigma attaches to LGBTI people: a 2013 study by the Pew Research Center found 93 per cent of Indonesians surveyed believed society should reject homosexuality. This stigma has contributed to a 'don't ask, don't tell' mentality. Although dozens of prominent Indonesians are 'known' to be gay or lesbian, including politicians and celebrities, or to have gay or lesbian family members, they rarely acknowledge this publicly. Considerable social pressure pushes gay men and lesbians to enter into heterosexual marriages, and many lesbians are reportedly victim to 'corrective rapes'. Family violence against LGBTI individuals is reportedly common. The term 'LGBT' itself attracts considerable hostility from many Indonesians, who view it as a western imposition. Since 2016, cancellations of public events, gatherings and discussions by LGBTI people have increased.

3.112 Families and officials have subjected LGBTI people to 'therapy' intended to convert them to heterosexuality including, in some cases, after arrest. Psychologists in Indonesia are divided on whether or not LGBTI identities are a mental illness. In the past, LGBTI people have been enrolled in government disability programmes..

3.113 Public spaces for lesbians to meet do not exist. Lesbians may organise or meet among themselves using social media, but must do so discreetly. Lesbians report being denied pap smears and other medical tests or treatments because they do not have a marriage certificate. Women who live together in employer-provided accommodation, for example in the construction industry, may be accused of being lesbians and targeted by vigilantes. Women considered unfeminine in their dress, hair or mannerisms may be targeted by actions ranging from low-level harassment and social discrimination to eviction by landlords and vigilante home invasions.

3.114 Older LGBTI people may live in communities together, or with one other older LGBTI person. Because of traditional family mores, older LGBTI people may find themselves without family support because they did not have children..

3.115 *Waria*, a traditional male-to-female transgender identity, has long featured in traditional beliefs and cultural practices in parts of Indonesia. In many parts of Indonesia, *waria* are marginalised, stereotyped as sex workers or criminals, and vulnerable to violence from both the community and law enforcement. *Waria* have been evicted from their homes and businesses and publicly humiliated, including having their hair cut off in the street. According to international observers, *waria* who are found on the streets of Jakarta by police are assumed to be sex workers in accordance with a local ordinance. They are more likely than others to be charged with public order offences for busking or begging. *Waria* who have been raped report police refusal to record their complaints or investigate. Raids on transgender beauty salons in Aceh have led to public cutting of hair and eviction by landlords. Transgender people who do not undergo sex reassignment surgery face considerable difficulties in obtaining identity cards, which leads to difficulties in obtaining stable employment, secure housing, public services and health care. Acceptance of transgender family members among relatives is generally low.

3.116 Other traditional gender-diverse people face discrimination. In South Sulawesi a cultural group which recognises gender identities that spans five different genders had their annual gathering banned by local police in 2017. Following pressure from a local Islamic group, authorities withdrew approval for a longstanding sporting and cultural event and parade celebrating this culture. Human Rights Watch reported that police temporarily detained 600 people in relation to the incident.

3.117 DFAT assesses that LGBTI people face a high risk of societal discrimination: traditional views about sexuality and gender restrict their participation in the workforce and the broader community. This applies particularly in areas outside of Jakarta and Bali and for those from poorer backgrounds. Those perceived to be LGBTI may face a risk of violence, particularly if living in religiously conservative areas, including Muslim and Christian communities. DFAT assesses that LGBTI people face a moderate risk of homophobic, transphobic or anti-*waria* violence. LGBTI individuals face a moderate risk of official discrimination due to national laws that discriminate against them based on their sexuality, and due to official attitudes. LGBTI people living in Aceh face a high risk of official and societal discrimination and violence.

Children

3.118 Children whose mothers are not married, whether because their husband died or they are single mothers face some stigma. Those children are entitled to a birth certificate, which is required to receive some government services. The Marriage Law and Compilation of Islamic Law state that children born outside of marriage who do not have their father listed on their birth certificate are entitled to child support from their fathers, however international observers report that many women do not receive alimony payments after a divorce. Many couples will marry when a woman becomes pregnant, particularly in rural areas. This includes minors.

3.119 Child marriage occurs in Indonesia. An estimated 14 per cent of girls marry before the age of 18, with some districts in Sulawesi and Kalimantan, recording rates of child marriage of more than 30 per cent. Rates may be higher in other areas and this can be hard to measure as many marriages are not registered. President Widodo pledged in April 2018 to end the practice in Indonesia after a 2015 Constitutional Court ruling rejected a petition to end the practice. Marriage is legal at age 21, but can occur at a younger age with parental consent. Child marriage is far more common in rural areas and among poorer families (see also [Women](#)).

3.120 Child labour is common, especially in rural areas and agricultural industries. Children may also work in family businesses. Local sources say children from poorer areas often work without coercion, not because their parents owe money or are in bonded labour, but in order to spend time with their friends. The children are paid and attend school during the day.

People with Disabilities

3.121 In March 2016, the government passed the *Law on the Rights of People with Disabilities* (2016). The law requires the establishment of a National Disability Commission, and recognises a broad range of rights for people with disabilities, including mandated employment targets for both state-owned enterprises and private companies. The new law represents a significant change in attitude away from a previous assumption that people with disabilities were incapable of full participation in society. Progress in implementing the law has been slower than anticipated and the government is yet to issue regulations which provide for the establishment of the commission.

3.122 People with disabilities face administrative, institutional and societal barriers to realising their rights. While recognition of disability rights is growing, a view persists in some parts of the country and among certain groups that disability represents a punishment for sins or family misconduct. In extreme cases, the families of people with disabilities hide them in the home or in institutions

3.123 DFAT assesses that people with physical disabilities may have difficulties with mobility unless they can afford private transport, including in Jakarta. Accessible public transport and facilities exist and are improving, but are generally poor and may not be available to a person with a physical disability. DFAT assesses that people with physical disabilities face moderate discrimination in accessing employment. Universal health coverage has improved access to healthcare for all Indonesians, including those with disabilities (see [Health](#)).

Mental Health

3.124 A lack of understanding about mental and intellectual disabilities including autism or schizophrenia can lead to *pasung* or ‘shackling’, where people with disabilities are restrained in chains, cages or other restraints. While the practice has been illegal since 1977, it continues to occur where families hide their disabled relatives in, for example, a shed. Shackling of people with mental disabilities persists, though gains have been made to reduce the practice. Human Rights Watch reports decline in the number of people locked in confined spaces from 18,800 in 2016 to 12,800 in July 2018 based on government data. The government rolled out a programme in January 2017 to visit families to collect data about the problem and to raise awareness and educate families. However, it noted documenting shackling is difficult as it often occurs in remote areas and families may be reluctant to admit the practice. While some argue that shackling is a form of traditional treatment, families also use it to hide family members with mental health conditions who may bring social shame. This view is more common among poorer people and rural communities.

3.125 Mental health services are available in Indonesia, but are limited. General health facilities including local hospitals may provide basic mental health services. Specialised mental health facilities are also used to treat general health and their capacity is often stretched. People with mental health problems may face stigma in seeking access to services.

3.126 DFAT assesses that people with mental health issues, particularly the poor and those in rural areas, face a moderate risk of societal discrimination and violence. Wealthy people, especially in large cities, face a low risk of societal or official violence or discrimination.

People living with HIV

3.127 In 2016, 620,000 Indonesians were living with HIV, according to UNAIDS. Fewer than 15 per cent had access to treatment. Populations with high rates of HIV infection included sex workers, men who have sex with men, injecting drug users, transgender people and prisoners. According to US government estimates, 38,000 people in Indonesia died from HIV or AIDS in 2016, the fifth highest number in the world.

3.128 While HIV remains stigmatised, the government has become increasingly responsive and provides free testing and treatment. The government has increased domestic funding for HIV control. Indonesia’s health indicators have significant regional disparities, with poorer outcomes in the country’s eastern provinces.

3.129 Rates of HIV transmission among men who have sex with men are increasing. Due to the increased restrictions on LGBTI advocacy groups and a reduced number of LGBTI gatherings since 2016, HIV outreach services report they have restricted in their ability to provide safe sex materials and education to at-risk

populations. Police use condoms as evidence of illegal activity and many gay men do not carry condoms with them for fear of arrest. International NGOs and local services believe this decreases the likelihood of safe sex. Condoms are readily available in pharmacies, but stigma attaches to buying condoms.

3.130 HIV treatment is generally available. Stigma prevents many from being tested and, if positive, from seeking treatment. Sufferers must generally go to a larger health care facility for treatment, but a lack of privacy in these settings deters some people from seeking treatment.

3.131 DFAT assesses that people living with HIV face a moderate risk of societal discrimination, but assesses that treatment for HIV is generally available.

Criminals and Victims of Loan Sharks

3.132 Police shootings of drug suspects rose in 2017-2018. This followed a directive by President Widodo in July 2017 to act firmly and shoot drug traffickers, particularly those resisting arrest. Police reportedly shot at over 50 alleged drug users or sellers for resisting arrest in lead up to the 2018 Asian Games, killing 11 people. Drug charges, including against users not involved in trafficking, can attract the death penalty. People accused of drug offences may have difficulty obtaining legal services because lawyers are unwilling to take on their case.

3.133 The *Law on Human Rights* (1999) and the Penal Code both prevent double jeopardy. DFAT is not aware of examples of breaches of double jeopardy.

3.134 Gangs are known to exist in Indonesia. *Premen*, a colloquial term meaning ‘thug’, are also widely reported. These gangs may be ostensibly ethnically or faith-based, however rules around ethnicity and religious affiliation are not necessarily strictly adhered to. Other gangs can include bikie gangs and organised criminals involved in drugs. Although reliable crime statistics are unavailable, local sources say gangs tend to be smaller in scale than they once were and that their size and influence has decreased in the last ten years.

3.135 Local sources say loan sharks are unlikely to lend money to debtors who do not have some kind of collateral, particularly land, and that repossession of that capital is more likely than violence for those unable to pay. Most Indonesians, including in rural areas, have access to finance including from banks, agents from banks, or in some cases from local government administrations. Usury generally targets the poor and those who live in rural areas. Government financial assistance is generally available to those communities. Most Indonesians have access to banking services. Financial technology firms have made recent efforts to reach the ‘unbanked’ in Indonesia, providing them with financial services, though some have been criticised as a digital form of usury.

3.136 DFAT assesses that former gang members have a low risk of violence; gangs are unlikely to have the resources to pursue a former member, particularly outside of their area of activity. The response of [police](#) to victims of gang violence would not be different to other victims of crime or criminals. While the risk of violence from loan sharks cannot be ruled out, DFAT is not aware of a pattern of incidents.

Human Trafficking and Bonded Labour

3.137 The US State Department has named Indonesia as a ‘tier 2’ (out of a possible 5 tiers, with tier 1 the best possible rating) country for human trafficking, noting that the government is making significant efforts to tackle the problem and noting increasing investigations and prosecutions into the practice. The State Department noted that a lack of coordination between agencies, ineffective data collection and corruption as barriers to ending the practice. Domestic workers are considered the most vulnerable to trafficking,

although the report claimed tens of thousands of children were victims of sex trafficking. Trafficking was also identified in fisheries and agriculture (see [Employment](#)).

3.138 The destitute in rural areas working in agriculture and fisheries may be subjected to bonded labour. Local sources say people of working age may be targeted by money lenders who, when they are unable to pay with capital or an asset, will repay debts with their labour.

3.139 The government provides assistance for victims of human trafficking, although access to assistance is not consistent. NGOs and churches also run programmes, particularly for women. DFAT understands some people, especially women, attempt to escape modern slavery and human trafficking by boat, including from Malaysia in an attempt to return to Indonesia. Charities have set up centres in northern Indonesia to assist these victims.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

Extra-Judicial Killings

4.1 A large number of cases of extra-judicial killings from the New Order period remain unresolved. Human rights groups, including Komnas HAM, continue to campaign for the resolution of these cases. President Widodo expressed a commitment to resolving these cases during the 2014 presidential election campaign, but progress has been limited.

4.2 While the general human rights situation in Indonesia has improved dramatically since the end of the New Order regime, reports of extra-judicial killing by security forces continue (See also [Criminals, Victims of Crime and Loan Sharks](#)). Fatalities at the hands of security forces are difficult to estimate, and may be underreported. Allegations of extra-judicial killings and other human rights abuses by security forces disproportionately relate to the Papua provinces (see [Secessionists in the Papua provinces](#)). Terrorism suspects account for a high number of fatalities at the hands of security forces.

Enforced or Involuntary Disappearances

4.3 Indonesia signed the Convention for the Protection of all Persons from Enforced Disappearance in 2010, but has not ratified it. Since the end of the New Order regime, few cases of enforced or involuntary disappearance have been documented, but several historical cases remain unresolved. A Komnas HAM report in April 2012 found that 32,774 persons were still missing from the 1965-66 anti-Communist purges. NGOs in Aceh have reported 1,935 persons still missing from the Aceh conflict, while Komnas HAM has reported 13 persons still missing in relation to student and pro-democracy action in 1997-98. Authorities have made little progress in accounting for those who disappeared in previous years or in prosecuting those responsible.

Deaths in Custody

4.4 Custodial deaths in Indonesia usually occur because of the unsanitary conditions of prisons including severe overcrowding, lack of medical treatment or criminal activities within the prison (see also [Detention and Prison](#)). According to government figures, 448 prisoners died in custody in 2017. Of these, 240 reportedly died of old age and natural causes, 30 from leptospirosis, and five during a prison riot.

DEATH PENALTY

4.5 Indonesian law allows the death penalty for a wide range of offences. Since 1999, executions have occurred only in cases involving pre-meditated murder, terrorism, and drug-related offences. The method of execution is firing squad. Individuals who receive a death sentence can apply to have their sentences overturned in the Supreme Court. Following the failure of an appeal, individuals can ask for a judicial review. If this review fails, individuals can ask for clemency from the president. These stages are not set out in any single law, but have developed through convention and the application of a range of laws, court guidelines and presidential decrees. Amnesty International reports that Indonesian courts handed down at least 60 death sentences in 2016 and at least 46 in 2015. At least 262 people are currently under sentence of death in Indonesia. According to Amnesty International, at least 47 death sentences were handed down in 2017, but no executions were carried out.

4.6 Under former President Yudhoyono, Indonesia maintained an unofficial moratorium on the use of the death penalty from mid-2008 until 2013. Since the inauguration of President Widodo in October 2014, Indonesia has executed 18 people - fourteen in 2015 and four in 2016. Fifteen of those executed were foreign nationals convicted of drug-related offences. Indonesia's most recent executions occurred in July 2016, when it executed three foreign nationals and one Indonesian man convicted of drug-related offences. Two of those executed had clemency applications pending at the time of their executions. Ten others obtained a last minute stay of execution to allow a review of their cases. In August 2017, the Ombudsman issued a finding of maladministration in relation to one of the foreign nationals executed in 2016. The Ombudsman found that he had been executed while his clemency application was still underway, that he had not been given the required 72 hours' notice of his execution, and that discrimination had applied in his judicial review.

4.7 Local interlocutors report strong popular support in Indonesia for the death penalty, particularly in drug-related cases, and little public or political appetite for its abolition. In October 2016, parliament approved amendments to the Child Protection Law that added certain child sex offences to the list of crimes punishable by the death penalty. Abolition is unlikely in the near future.

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

4.8 Article 28G (2) of the Constitution stipulates that every person shall have the right to be free from torture or inhumane or degrading treatment. Indonesia has signed the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, but has yet to sign or ratify its Optional Protocol. Indonesia's Criminal Code does not explicitly prohibit torture, but criminalises the use of violence or force by officials to elicit a confession, with punishments of up to four years' imprisonment.

4.9 Individual and joint submissions by civil society organisations to the UN Human Rights Council's May 2017 Working Group on the Universal Periodic Review claimed that various forms of physical and mental torture and cruel and degrading treatment often occurred during police investigations; that torture was used to obtain confessions and extract information from detainees during criminal investigations; that most political prisoners in Papua experienced torture during their arrest, detention and interrogation; and that perpetrators of torture enjoyed impunity. Forms of torture allegedly utilised by security forces included beatings with ad-hoc weapons, blindfolding, beatings with nightsticks, fists and rifle butts, the application of electric shocks, burning suspects during interrogations, and forced confessions at gunpoint. In some cases, the torture reportedly resulted in the death of the detainee (see also: [Detention and Prison](#)).

4.10 According to a local NGO, 65 cases of torture by the police Criminal Investigation Division were reported in the first half of 2017. The police disciplined 5,404 officers for misconduct during 2017. Local sources say training of police is improving and has reduced rates of violence.

4.11 DFAT assesses that allegations of torture by security forces in Indonesia are credible. DFAT assesses that the use of torture is generally the result of poor training, an inadequate legal framework, and insufficient oversight by state authorities rather than a specific tool of discrimination against any particular group.

Arbitrary Arrest and Detention

4.12 Indonesian law prohibits arbitrary arrest and detention. Under the *Criminal Procedure Law* (1981), police are required to charge suspects accused of non-terrorism offences within 24 hours of arrest, but orders can be made for further periods of detention. International and local human rights groups report that arbitrary arrests occur regularly. The government's 'tough on crime' approach often rewards police both socially and institutionally for high arrest and conviction rates. DFAT assesses that, although the principle of the presumption of innocence is enshrined in law, its application within the criminal justice system and acceptance by the community at large is still weak.

Corporal Punishment

4.13 Aceh has used public canings as a form of punishment since 2005 (see [Sharia in Aceh](#)). The Aceh Criminal Code permits up to 100 strokes of the cane for consensual same-sex acts or for any sexual relations outside marriage. The code permits canings for offences such as consuming or selling alcohol and gambling. Those being caned are fully clothed during the caning and are medically assessed before and during the caning. As of October 2018, public caning continues and attracts crowds, in spite of promises to end that practice.

4.14 No legal provisions explicitly prohibit corporal punishment for children in homes, alternative care settings, day care centres, or schools. However, corporal punishment is unlawful as a sentence for crimes committed by juveniles under provisions protecting children from 'inhuman punishment' in the Law on Human Rights and the Child Protection Law.

5. OTHER CONSIDERATIONS

STATE PROTECTION

5.1 Article 28I (1) of the Constitution stipulates that the rights to life, freedom from torture, freedom of thought and conscience, freedom of religion, freedom from enslavement, recognition as a person before the law, and the right not to be tried under a law with retrospective effect are all human rights that cannot be limited under any circumstances. Article 28I (2) stipulates that every person shall have the right to be free from discriminatory treatment on any grounds and shall have the right to protection from such treatment, while Article 28I (4) stipulates that the protection, advancement, upholding and fulfilment of human rights are the responsibility of the state.

5.2 Article 28J (2) qualifies these constitutional protections by stipulating that, in exercising their rights and freedoms, every person has the duty to accept the restrictions established by law for the sole purposes of guaranteeing the recognition and respect of the rights and freedoms of others and of satisfying just demands based upon considerations of morality, religious values, security and public order in a democratic society.

Military

5.3 The Indonesian Armed Forces (TNI) consist of the army, navy, and air force. The TNI is responsible for defending Indonesia's national sovereignty, territorial integrity and safety of the nation. The military's territorial commands are charged with deterring and overcoming these threats within their respective geographic areas of responsibility. Military service is voluntary for those aged between 18 and 45 years of age. Indonesian legislation provides for selective conscription, but this has not been implemented in regulations. The TNI is a highly respected national institution, with public polling consistently demonstrating high levels of trust.

5.4 The military has long played a prominent role in Indonesian political and economic life, particularly during the New Order era. While Indonesia has had a civilian government for almost two decades, numerous high-ranking politicians (including former President Yudhoyono) have military backgrounds. Military leaders retain some informal political influence. The military also provides social services to the Indonesian population on behalf of the Indonesian Government, particularly in rural and remote areas and plays a leading role in disaster response, in support of the National Disaster Mitigation Agency (BNPB).

5.5 The military has, in the past, enjoyed relative impunity for criminal activities and human rights abuses. Civilian courts cannot try military personnel, even if they commit a crime out of uniform. While the government has made efforts to improve military justice, such as strengthening the punishments individuals can receive, sentences still tend to be lighter than those received in civilian courts for equivalent offences.

Police

5.6 The Indonesian National Police (INP) has more than 400,000 police officers and civilian employees (including 13,000 women), deployed to 32 regional police forces across the archipelago. The INP was formally separated from the military in 2000. The *Law Concerning the State Police of the Republic of Indonesia* (2002) gives the INP the lead role in handling non-defence related security matters. The president appoints the national police chief, subject to confirmation by parliament.

5.7 Many religious and ethnic minorities serve in the police. Chinese Indonesians and Christians, particularly Catholics, serve in both the national police and the military. Human rights organisations have criticised the INP for including virginity testing and assessments of physical beauty in recruiting female police.

5.8 A semi-independent government advisory body (KOMPOLNAS) maintains oversight of the INP and acts as an alternative advisor to the president on policing matters. KOMPOLNAS has limited investigative powers and can recommend (but not order) follow-up actions.

5.9 The INP does not enjoy the same high public esteem as the TNI: a 2013 poll by Transparency International found that the police ranked as the least trusted public body in Indonesia. Professionalism varies across the police. Shortages of equipment, a lack of training, a low investigative capacity, and corruption limit the effectiveness of the police. Reports of police abuses are common, including unnecessary or excessive use of force while dispersing protests and the abuse of suspects in detention.

5.10 An elite counter-terrorism unit known as Densus-88 was formed in June 2003 the wake of the October 2002 Bali bombings, in which 202 people including many Indonesians and Australians died. Local and international observers regard Densus-88 as high performing. Officers, who are highly trained in intelligence gathering, have successfully intervened to prevent numerous attacks. Densus-88 also investigates terrorist activity. Human rights organisations have expressed concerns over the number of terrorism suspects the unit has killed rather than brought to trial.

5.11 Human rights organisations claim police are rarely held to account for abuses. While police can be tried under criminal jurisdiction, impartial criminal investigations into police actions are uncommon. The usual practice is for police to conduct their own investigation, which often results in minor disciplinary actions. Such actions, usually against junior or mid-ranking officers, include short periods of detention, demotions and deferral of training opportunities. Details of investigations, court proceedings and verdicts are rarely made public.

Judiciary

5.12 Indonesia has a complex justice system evolved from three inherited sources of law: Dutch colonial law, *sharia*, and customary law. Various provisions of Article 24 of the Constitution outline the powers and responsibilities of the judicial system, including stipulating its independence. Despite this stipulation, the judiciary has operated separately from the executive arm of the state only since 2004, when it acquired all court administration functions from the Department of Justice. Before 2004, the executive commonly instructed both lower and appellate courts how to decide cases of interest to senior government officials, including in relation to criminal defamation, labour disputes and politically motivated violence.

5.13 The Supreme Court and Constitutional Court are Indonesia's highest courts. The Supreme Court has exclusive jurisdiction over disputes between lower courts and between courts located in different regions. On request, it can give advisory opinions to the government and guidance to lower courts. Its powers of judicial review are limited to decisions on whether administrative regulations and local regulations conform

to national laws as passed by parliament. The Judicial Commission nominates the 49 Supreme Court judges, whom the president appoints with the concurrence of parliament. The Constitutional Court reviews the constitutionality of laws, resolves disputes among the various branches and levels of government, has final say in the dissolution of political parties, and decides disputes over election results. The Constitutional Court has nine judges, of whom three each are nominated by the Supreme Court, parliament, and the president.

5.14 Corruption is reported in the judiciary at all levels. In September 2017, a Constitutional Court justice was sentenced to eight years' imprisonment on bribery charges, less than three years after the Constitutional Court's Chief Justice received a life sentence for corruption.

5.15 Another key challenge for the judiciary is the frequent criminalisation of civil disputes. The number of civil cases filed in Indonesian courts is among the lowest per capita in the world. Only around ten cases per year are filed per 100,000 citizens (the number in Australia is around 1,500). Many cases involving private litigants are instead captured by police or prosecutors and transformed into criminal offences: contractual disputes are prosecuted as fraud; libel as criminal defamation. Until recently, no alternative dispute resolution mechanisms existed: Indonesia established a small claims court in late 2015. Since the introduction of this mechanism, the number of small claims has steadily increased with a recorded 3,966 cases in 2017. Judges are reportedly reluctant to refer cases to mediation because, if successful, the outcome would not count towards the presiding judges' performance targets. The lack of judicial specialisation has also affected the performance of the judiciary in complex cases. In addition, general court justices may need to take into consideration matters of customary law pertaining to ethnic groups or tribes to which they do not belong, and therefore may not fully understand.

Detention and Prison

5.16 The Directorate General of Corrections administers Indonesian prisons. According to the World Prison Brief and information published by the Directorate General of Corrections, Indonesia had a prison population of 249,419 as of May 2018, detained in 464 facilities (2016 number) throughout the country. In May 2018, 34 per cent of those in prison were pre-trial or remand detainees. Female prisoners comprised 5.6 per cent of the total prison population, while juveniles accounted for 1.6 per cent as of May 2018.

5.17 In general, Indonesian prisons do not meet international standards because of overcrowding, poor sanitary conditions, and inadequate treatment programs. Prison riots and protests over lack of services have led to jailbreaks on multiple occasions. Food provided is basic and malnutrition is common. Health issues are widespread, particularly skin ailments and upper respiratory infection diseases. Drug networks, criminal syndicates and terrorist recruiters reportedly operate with relative impunity in many prisons. Prisoners with access to money are able to procure special privileges, including better accommodation, entertainment and food.

INTERNAL RELOCATION

5.18 Indonesian citizens are legally able to move and reside freely within all territories of the Republic of Indonesia, and Indonesians can and do relocate for a variety of reasons. Major cities, particularly Jakarta, offer Indonesians greater opportunities for employment. Presidential Decree No.25 (2008), based on Law No.23 (2006) requires Indonesian citizens who relocate within Indonesia to register with the relevant local authority within one year of relocation. Registration information is passed to higher authorities. DFAT assesses that practical factors such as income and lack of family connections are the primary obstacles preventing an Indonesian from relocating within the country, rather than concerns over religion or ethnicity.

TREATMENT OF RETURNEES

Exit and Entry Procedures

5.19 There is no requirement for Indonesian citizens to obtain an exit permit prior to undertaking foreign travel. However, Indonesian citizens leaving Indonesia to reside externally are required to register with the closest Indonesian consular mission within 30 days of arrival. No special entry procedures exist for Indonesian citizens who have been removed or deported from another country. Indonesia has a large number of recognised entry ports, including air, sea and land crossings.

Conditions for Returnees

5.20 Under the New Order regime, an Indonesian national who had actively and publicly criticised Indonesia or the government while in a foreign country would most likely have been questioned or sanctioned on return. Today this is far less likely to occur, due to an increased acceptance of public protest and dissent. However, crossing acknowledged 'red lines' - such as publicly advocating a separatist movement or displaying separatist symbols - may still result in additional attention on return to Indonesia. Indonesians who are returned after unsuccessfully seeking protection overseas are unlikely to come to the attention of authorities, provided these 'red lines' have not been crossed.

DOCUMENTATION

5.21 Indonesian civil registries are responsible for issuing most personal identity documents. These civil registries are primarily administered at the provincial level, but may refer some cases to their headquarters in Jakarta.

Birth and Death Certificates

5.22 Parents are required to register and certify the birth of babies within sixty days. The civil registry issues birth certificates based on a certifying document from the hospital or midwife. The Civil Registry requires that every death must be reported to the relevant Regency or City Population and Civil Registry Office within 30 days, after which a death certificate will be issued to the family.

National Identity Cards

5.23 The primary Indonesian national identity card is the *Kartu Tanda Penduduk* (KTP), or citizen identity card, which is issued to those aged 17 years or older, or upon marriage. The electronic KTP, which contains an electronic chip, was first issued on a trial basis in 2009 and on a nationwide basis in 2011. Each KTP has an allocated identity number, and provides details of a person's name, sex, date and place of birth, occupation, religion, address, marital status and signature. KTPs are used to gain access to employment, education and health services.

5.24 The family card is the document that proves residency and which records relationships and family members. Provincial government authorities issue the document, which is updated as family relationships change, for example through births, deaths and marriages. Every family in Indonesia is required to hold a family card. Family cards also record the occupation and marital status of dependents.

5.25 In practice, some minority groups still face official discrimination in accessing KTPs where they are unable to meet criteria for personal details. These groups include male-to-female transgender (*waria*) that are unable to meet the sex criterion (see [LGBTI](#)); people with disabilities, who may be excluded from official documents by their families or face other administrative obstacles in accessing these documents (see [People with Disabilities](#)); and followers of religions or beliefs outside of the six ‘recognised’ religions (see [Religion](#)).

5.26 The Indonesian Embassy in Canberra does not issue KTP, which must be issued in Indonesia. However, a document for overseas Indonesians, known as a KMILN, may be issued. This document allows certain citizen rights to be exercised, including operating businesses and buying land. A photocopy of a KTP must be presented in order to obtain a passport from an Indonesian mission in Australia.

Passports

5.27 The Directorate General of Immigration, located within the Ministry of Law and Human Rights, issues Indonesian passports. Indonesia issues both electronic and non-electronic passports, which cost IDR 200,000 (approximately AUD 20) and IDR 600,000 (approximately AUD 60) respectively. Passports are issued for a five-year maximum period. Requirements for a new passport are the previous passport (if applicable), a valid KTP, family card, birth certificate, and marriage certificate (if applicable).

PREVALENCE OF FRAUD

5.28 KTP have a 13-digit number that is unique to each individual. Cards use advanced technology that uses radio-frequency identification and multiple layered plastics that contains identifying information; fraudulent use of cards can be detected relatively easily.

5.29 However, DFAT assesses that there is a high risk of fraud in relation to Indonesian identity documents of all types. Identity documents can be obtained by issuing forged supporting documents, or can be fraudulently issued. Most civil agencies in Indonesia can verify whether a document is genuine. Newer, electronic documents are less susceptible to fraud. However, systems are decentralised, and responsiveness varies between agencies. The penalty for passport fraud is five year’s imprisonment and a fine of IDR500 million (around AUD 50,000).